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OUR FOREIGN RELATIONS:

SHOWING

PRESENT PERILS FROM ENGLAND AND FRANCE; THE NATURE AND
CONDITIONS OF INTERVENTION BY MEDIATION; AND ALSO BY
RECOGNITION; THE IMPOSSIBILITY OF ANY RECOGNITION
OF A NEW POWER WITH SLAVERY AS A CORNER-
STONE; AND THE WRONGFUL CONCESSION
OF OCEAN BELLIGERENCY.

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S P E E C H

OF

HON. CHARLES SUMNER,

BEFORE THE

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S P E E C H .

FELLOW-CITIZENS,—From the beginning of the war in which we are now engaged, the public interest has alternated anxiously between the current of events at home and the more distant current abroad. Foreign Relations have been hardly less absorbing than Domestic Relations. At times the latter have seemed to wait upon the former, and a packet from Europe has been like a messenger from the seat of war. Rumors of Foreign Intervention are constant, now in the form of Mediation, and now in the form of Recognition; and more than once the country has been summoned to confront the idea of England, and of France too, in open combination with Rebel Slave-mongers battling, in the name of Slavery, to build an infamous Power on the destruction of this Republic.

It may be well for us to turn aside from battle and siege here at home—from the blazing lines of Gettysburg, Vicksburg and Charleston—to glance for a moment at the perils from abroad; of course I mean from England and France, for these are the only Foreign Powers that thus far have been moved to intermeddle on the side of Slavery. The subject to which I now invite attention may not have the attraction of waving standards or victorious marches, but, more than any conflict of arms, it concerns the Civilization of the age. If Foreign Powers can justly interfere against Human Freedom, this Republic will not be the only sufferer.

There is always a natural order in unfolding a subject, and I shall try to pursue it on this occasion, under the following heads;

First—The perils to our country from Foreign Powers, especially as foreshadowed in the unexpected and persistent conduct of England and France since the outbreak of the war.

Secondly—The nature of Foreign Intervention by Mediation, with the principles applicable thereto, as illustrated by historic instances—showing especially how England, by her conspicuous, wide-spread and most determined Intervention to promote the extinction of African Slavery, *is irrevocably committed against any act or policy that can encourage this criminal pretension.*

Thirdly—The nature of Foreign Intervention by Recognition, with the principles applicable thereto, as illustrated by historic

instances—showing that by the practice of nations, and especially by the declared sentiments of British Statesmen, there *can be no Foreign Recognition of an insurgent Power where the contest for Independence is still pending.*

Fourthly—The moral impossibility of Foreign Recognition, even if the pretended Power be *de facto* Independent, where it is composed of Rebel Slave-mongers seeking to found a *new* Power with Slavery for its declared “corner-stone.” Pardon the truthful plainness of the terms which I employ. I am to speak not merely of Slave-holders; but of people to whom Slavery is a passion and a business—therefore Slave-mongers; now in Rebellion for the sake of Slavery—therefore Rebel Slave-mongers.

Fifthly—The absurdity and wrong of conceding *Ocean Belligerency* to a pretended Power, which, in the first place, is without a Prize Court—so that it cannot be an Ocean Belligerent *in fact*—and which, in the second place, even if Ocean Belligerent *in fact*, is of such an odious character, that its Recognition is a moral impossibility.

From this review, touching upon the present and the past; leaning upon history and upon law; enlightened always by principles which are an unerring guide, our conclusion will be easy.

[I.]

PERILS FROM FOREIGN POWERS.

✓ The perils to our country, as foreshadowed in the action of Foreign Powers since the outbreak of the war, first invite our attention.

There is something in the tendencies of nations, which must not be neglected. Like individuals, nations influence each other; like the heavenly bodies, they may be disturbed by each other in their appointed orbits. This is apparent even in peace; but it becomes more apparent in the convulsions of war, sometimes from the withdrawal of customary forces and sometimes from their increased momentum. It is the nature of war to enlarge as it continues. Beginning between two nations, it gradually widens its circle, sucking other nations into its fiery maelstrom. Such is human history. Nor is it different, if the war be for Independence. Foreign Powers may for a while keep out of the conflict; but the examples of history show how difficult this has been.

The Seven United Provinces of Holland, under that illustrious character, William of Orange, the predecessor and exemplar of our Washington, rose against the dominion of Spain, upheld by the bigotry of Philip II., and the barbarity of his representative, Alva; but the conflict, though at first limited to the two parties, was not slow to engage Queen Elizabeth, who lent to this war of Independence the name of her favorite Leicester and the undying

heroism of Sidney, while Spain retorted by the Armada. The United Provinces of Holland, in their struggle for Independence, were the prototype of the United States of America, which I need not remind you, drew into their contest the arms of France, Spain, and Holland. In the rising of the Spanish Colonies which followed, there was less interposition of other nations, doubtless from the distant and outlying position of these Colonies, although they were not beyond the ambitious reach of the Holy Alliance, whose purposes with regard to them were so far thwarted by Mr. Canning, backed by the declaration of Mr. Munroe—known as the Munroe doctrine—that the British Statesman felt authorized to boast that he had called a New World into existence to redress the balance of the Old. Then came the struggle for Greek Independence, which, after a conflict of several years, darkened by massacre, but relieved by an exalted self-sacrifice, shining with names like Byron and Bozzaris, that cannot die, at length challenged the powerful interposition of England, France and Russia. The Independence of Greece was hardly acknowledged, when Belgium, renouncing the rule of the Netherlands, claimed hers also, and here again the Great Powers of Europe were drawn into the contest. Then came the effort of Hungary, inspired by Kossuth, which, when about to prevail, aroused the armies of Russia. There was also the contemporaneous effort of the Roman Republic, under Mazzini, which when about to prevail, aroused the bayonets of France. And lastly we have only recently witnessed the resurrection of Italy, inspired by Garibaldi, and directed by Cavour; but it was not accomplished until Louis Napoleon, with his well-trained legions, carried the imperial eagles into the battle.

Such are famous instances, which are now so many warnings. Ponder them and you will see the tendency, the temptation, the irresistible fascination, or the commanding exigency under which, in times past, Foreign Nations have been led to take part in conflicts for Independence. I do not dwell now on the character of these various interventions, although they have been mostly in the interest of Human Freedom. It is only as examples to put us on our guard that I now adduce them. The footprints all seem to lead one way.

But even our war is not without its warnings. If thus far in its progress other nations have not intervened, they have not succeeded in keeping entirely aloof. The foreign trumpet has not sounded yet; but more than once the cry has come that we should soon hear it, while incidents have too often occurred, exhibiting an abnormal watchfulness of our affairs and an uncontrollable passion or purpose to intermeddle in them, with signs of unfriendly feeling. Of course, this is applicable especially, if not exclusively, to England and France.

Perils from England.

(1.) There is one act of the British Cabinet which stands foremost as an omen of peril—foremost in time—foremost also in the magnitude of its consequences. Though plausible in form, it is none the less injurious or unjustifiable. Of course, I refer to that inconsiderate Proclamation in the name of the Queen, as early as May, 1861, which, after raising Rebel Slave-mongers to an *equality* with the National Government in Belligerent Rights, solemnly declares “neutrality” between the two *equal parties*;—as if the declaration of equality was not an insult to the National Government, and the declaration of neutrality was not a moral absurdity, offensive to reason and all those precedents which make the glory of the British name. Even if the Proclamation could be otherwise than improper at any time in such a Rebellion, it was worse than a blunder at that early date. The apparent relations between the two Powers were more than friendly. Only a few months before, the youthful heir to the British throne had been welcomed every where throughout the United States—except in Richmond—as in the land of kinsmen. And yet—immediately after the tidings of the rebel assault on Fort Sumter—before the National Government had begun to put forth its strength—and even without waiting for the arrival of our newly-appointed Minister, who was known to be at Liverpool on his way to London, the Proclamation was suddenly launched. I doubt if any well-informed person, who has read Mr. Dallas’s despatch of 2d May, 1861, recounting a conversation with the British Minister, will undertake to vindicate it in point of time. Clearly the alacrity of this concession was unhappy, for it bore an air of defiance or at least of heartlessness towards an ally of kindred blood engaged in the maintenance of its traditional power against an infamous pretension. But it was more unhappy still, that the good genius of England did not save this historic nation, linked with so many triumphs of freedom, from a fatal step, which, under the guise of “neutrality,” was a betrayal of civilization itself.

It is difficult to exaggerate the consequences of this precipitate, unfriendly and immoral concession, which has been and still is an overflowing fountain of mischief and bloodshed—*hac fonte derivata clades*;—*first*, in what it vouchsafes to Rebel Slave-mongers on sea and in British ports, and *secondly*, in the impediments which it takes from British subjects ready to make money out of Slavery;—all of which has been declared by undoubted British authority. Lord Chelmsford—of professional renown as Sir Frederick Thesiger—now an Ex-Chancellor—used these words recently in the House of Lords; “If the Southern Confederacy had not been recognized as a *belligerent Power*, he agreed with his noble and learned friend [Lord Brougham] that, under these circumstances, if any Englishman were to fit out a privateer for

the purpose of assisting the Southern States against the Northern States, *he would be guilty of piracy.*”—But all this was changed by the Queen’s Proclamation. For the Rebel Slave-monger there is the recognition of his flag; for the British subject there is the opportunity of trade. For the Rebel Slave-monger there is fellowship and equality; for the British subject there is a new customer, to whom he may lawfully sell Armstrong guns and other warlike munitions of choicest British workmanship, and, as Lord Palmerston tells us, even ships of war too, *to be used in behalf of Slavery.* What was unlawful is suddenly made lawful, while the ban is taken from an odious felony. It seems almost superfluous to add, that such a concession, thus potent in its reach, must have been a direct encouragement and overture to the Rebellion. Slavery itself was exalted when barbarous pretenders—battling to found a new Power in its hateful name—without so much as a single port on the ocean where a prize could be carried for condemnation—were yet, *in the face of this essential deficiency*, swiftly acknowledged as *ocean belligerents*, while, as a consequence, their pirate ships, cruising for plunder in behalf of Slavery, were acknowledged as National ships, entitled to equal privileges with the National ships of the United States. also for the building of ships, *to be used in behalf of Slavery.* This simple statement is enough. It is vain to say, that such a concession was a “necessity.” There may have been a strong temptation to it, constituting, perhaps, an imagined necessity, as with many persons there is a strong temptation to Slavery itself. But such a concession to Slave-mongers, fighting for Slavery, can be vindicated only as Slavery is vindicated. As well undertake to declare “neutrality” between Right and Wrong—between Good and Evil—with a concession to the latter of Belligerent Rights; and then set up the apology of “necessity.”

(2.) It was natural that an act so essentially unfriendly in character and also in the alacrity with which it was done, should create throughout England an unfriendly sentiment towards us, easily stimulated to a menace of war. And this menace was not wanting soon afterwards, when the two rebel emissaries on board the Trent were seized by a patriotic, brave commander, whose highest fault was, that, in the absence of instructions from his own Government, he followed too closely British precedents. This accident—for such it was and nothing else—was misrepresented, and, with an utterly indefensible exaggeration, was changed by the British nation, backed by the British Government, into a *casus belli*, as if such an unauthorized incident, which obviously involved no question of self-defence, could justify war between two civilized Nations. And yet, in the face of a positive declaration from the United States, that it was an accident, the British Government *made preparations to take part with rebel slave-mongers*, and it fitly began such ignoble preparations by keeping back from the British people, the official

despatch of 30th November, 1861, where our Government, after announcing that Capt. Wilkes had acted "without any instructions," expressed a trust that "the British Government would consider the subject in a friendly temper," and promised "the best disposition on our part." It is painful to recall these things. But they now belong to history, and we cannot forget the lesson they teach.

(3.) But this tendency to espouse the side of Slavery, appears in small things, as well as great, becoming more marked in proportion to the inconsistency involved. Thus, for instance, where two British subjects "suspected" of participation in the Rebellion were detained in a military prison, without the benefit of *habeas corpus*, the British Minister at Washington was directed by Her Majesty's Government to complain of their detention as an *infraction of the Constitution of the United States*, of which this intermeddling Power assumed for the time to be the "expounder;" and the case was accordingly presented on this ground. But the British cabinet, in its instinctive aptness to mix in our war, if only by diplomatic notes, seemed to have forgotten the British Constitution, under which, in 1848, with the consent of the leaders of all parties,—Brougham and Derby, Peel and D'Israeli,—the *habeas corpus* was suspended in Ireland and the Government was authorized to apprehend and detain "such persons as they shall suspect." The bill sanctioning this exercise of power went through all its stages in the House of Commons in one day, and on the next day it went through all its stages in the House of Lords, passing to be a law without a dissenting vote. It will hardly be believed that Lord Russell, who now complains of our detention of "suspected" persons, as an infraction of the Constitution of the United States, was the Minister who introduced this Bill, and that, on that occasion he used these words: "I believe in my conscience that this measure is calculated to prevent insurrection, to preserve internal peace, to preserve the unity of this empire and to save the throne of these realms and the free institutions of this country."

(4.) The complaint about the *habeas corpus* was hardly answered when another was solemnly presented, on account of the effort to complete the blockade of Charleston, by sinking at its mouth ships laden with stone, usually known as the "stone blockade." In common times her Majesty's government would have shrunk from any intermeddling here. It could not have forgotten that history, early and late, and especially English history, abounds in similar incidents; that as long ago as 1456, at the siege of Calais by the Duke of Burgundy, and also in 1628 at the memorable siege of Rochelle by Cardinal Richelieu, ships laden with stone were sunk in the harbor; that during the war of the Revolution in 1778 six vessels were sunk by the British commander in the Savannah River, not far from this very Charles-

ton, as a protection against the approach of the French and American naval forces; that in 1804, under the direction of the British Admiralty, an attempt was made to choke the entrance into the harbor of Boulogne by sinking stone vessels, and that in 1809 the same blockade was recommended to the Admiralty by no less a person than Lord Dundonald, with regard to another port, saying, "Ships filled with stones will ruin forever the anchorage of Aix, and some old vessels of the line well loaded would be excellent for the purpose." But this complaint by the British Cabinet becomes doubly strange, when it is considered that one of the most conspicuous treaties of modern history contained solemn exactions by England from France, that the harbor of Dunkirk, whose prosperity was regarded with jealousy, should be permanently "filled up," so that it could no longer furnish its accustomed hospitalities to commerce. This was the Treaty of Utrecht, in 1713. But by the Triple Alliance, only four years later, France was constrained to stipulate again that nothing should be omitted "which Great Britain could think necessary for the entire destruction of the harbor," and the latter Power was authorized to send commissioners as "ocular witnesses of the execution of the Treaty." These humiliating provisions were renewed in successive treaties down to the peace of Versailles in 1783, when the immunity of that harbor was recognized with American Independence. But Great Britain, when compelled to open Durkirk, still united with the Dutch in closing the Scheldt, or as a British writer expresses it, she "became bound to assist in obstructing this navigation." (*Encyclopædia Britannica*. Vol. x. p. 77, article, France.) One of the two reasons put forth by Great Britain for breaking peace with France in 1792, and entering upon that world-convulsing war, was that this revolutionary Power had declared it would open the Scheldt. And yet it is Great Britain, thus persistent in closing ports and rivers, that now interferes to warn us against a "stone blockade."

(5.) The same propensity and the same inconsistency will be found in another instance, where an eminent peer, once Foreign Secretary, did not hesitate, from his place in Parliament, to charge the United States with making medicines and surgical instruments contraband, "contrary to all the common laws of war, *contrary to all precedent, not excluding the most ignorant and barbarous ages.*" Thus exclaims the noble lord. Now I have nothing to say of the propriety of making these things contraband. My simple object is to exhibit the spirit against which we are to guard. It would be difficult to believe that such a display could be made in the face of the historic fact, exposed in the satire of Peter Plymley's Letters, that, Parliament, in 1808, by large majorities, prohibited the exportation of Peruvian Bark into any territory occupied by France, and that this measure was introduced by no less a person than Mr. Percival, and commended

by him on the ground that "the severest pressure was already felt on the continent from the want of this article, and that it was of great importance to the armies of the enemy." (*Hansard's Parliamentary Debates.*) Such is authentic British precedent, in an age neither "ignorant" nor "barbarous," which is now ostentatiously forgotten.

(6.) This same recklessness, which is of such evil omen, breaks forth again in a despatch of the Foreign Secretary, where he undertakes to communicate to Lord Lyons the judgment of the British Cabinet on the President's Proclamation of Emancipation. Here at least, you will say, there can be no misunderstanding, and no criticism; but you are mistaken. Such an act, having such an object, and being of such unparalleled importance, would, under any ordinary circumstances, when great passions found no vent, have been treated by the Minister of a Foreign Power with supreme caution, if not with sympathy; but, under the terrible influence of the hour, Lord Russell, not content with condemning the Proclamation, misrepresents it in the most barefaced manner. Gathering his condemnation into one phrase, he says, that it "makes Slavery at once legal and illegal," whereas it is obvious, on the face of the Proclamation, to the most careless observer, that, whatever may be its faults, it is not obnoxious to this criticism, for it makes Slavery legal nowhere, while it makes it illegal in an immense territory. An official letter, so incomprehensible in motive, from a statesman usually liberal if not cautious, must be regarded as another illustration of that irritating tendency, which will be checked only when it is fully comprehended.

(7.) The activity of our navy is only another occasion for criticism in a similar spirit. Nothing can be done any where to please our self-constituted monitor. Our naval officers in the West Indies, acting under instructions modelled on the judgments of the British Admiralty, are reprehended by Lord Russell in a formal despatch. The judges in our Prize Court are indecently belittled by this same Minister from his place in Parliament, when it is notorious that there are several who will compare favorably with any British Admiralty Judge since Lord Stowell, not even excepting that noble and upright magistrate, Dr. Lushington. And this same Minister has undertaken to throw the British shield over a newly-invented contraband trade with the rebel slave-mongers *via* Metamoras, claiming that it was "a lawful branch of commerce," and "a perfectly legitimate trade." The *Dolphin* and *Peterhoff* were two ships elaborately prepared in London, for this illicit commerce, and they have been duly condemned as such; but their seizure by our cruisers was made the occasion of official protest and complaint, with the insinuation of "vexatious capture and arbitrary interference," followed by the menace, that, under such circumstances, "it is obvious Great Britain must interfere to protect her flag."

(8.) This persistent, inexorable criticism, even at the expense of all consistency or of all memory, has also broken forth in forms incompatible with that very "neutrality," which was so early declared. It was bad enough to declare neutrality, when the question was between a friendly Power and an insulting Barbarism; but it was worse after the declaration to depart from it, *if in words only*. The Court of Rome at a period when it powerfully influenced the usage of Nations, instructed its cardinal Legate, on an important occasion, first and above all things, to cultivate "indifference" between the parties, and in this regard his conduct was to be so exact, that, not only should no partiality be seen in his conduct, but it should not be remarked even "*in the words of his domestics.*" (Wicquefort, Parfait Ambassadeur, Liv. ii. p. 144.) If in that early day, before steam and telegraph, or even the newspaper, neutrality was disturbed by "words," how much more so now, when every word is multiplied indefinitely, and wafted we know not where—to begin, wherever it falls, a subtle, wide-spread and irrepressible influence. But this injunction is in plain harmony with the refined rule of Count Bernstoff, who, in his admirable despatch on this subject, at the time of the Armed Neutrality, says sententiously, "Neutrality does not exist *when it is not perfect.*" It must be clear and above suspicion. Like the reputation of a woman, it is lost when you begin to talk about it. Unhappily there is too much occasion to talk about the "neutrality" of England. I say nothing of a Parliamentary utterance that the National cause was "detested by a large majority of the House of Commons," or of other most unneutral speeches. I confine myself to official declarations. Here the case is plain. Several of the British Cabinet, including the Foreign Secretary and the Chancellor of the Exchequer, two great masters of "words," have allowed themselves in public speeches, to characterize offensively our present effort to put down Rebel Slave-mongers, as "a contest for empire on one side and for independence on the other." Here were "words," which, under a specious form, were understood to give encouragement to Rebel Slave-mongers. But they were more specious than true—revealing nothing but the side espoused by the orators. Clearly on our side it is a contest for National life, involving the liberty of a race. Clearly on the other side it is a contest for Slavery, in order to secure for this hateful crime *new* recognition and power. Our Empire is simply to crush Rebel Slave-mongers. Their Independence is simply the unrestrained power to whip women and sell children. Even if at the beginning, the National Government made no declaration on the subject, yet the real character of the war was none the less apparent in the repeated declarations of the other side, who did not hesitate to assert their purpose to build a *new* Power on Slavery—as in the Italian campaign of Louis Napoleon.

against Austria, the object was necessarily apparent, even before the Emperor tardily at Milan put forth his life-giving Proclamation that Italy should be free from the Alps to the Adriatic, by which the war became, in its declared purpose, as well as in reality, a war of Liberation. That such a Rebellion should be elevated by the unneutral "words" of a Foreign Cabinet, into a respectability of which it is obviously unworthy, is only another sign which we must watch.

(9.) But these same orators of the British Cabinet, not content with giving us a bad name, have allowed themselves to pronounce against us on the whole case. They declared that the National Government cannot succeed in crushing Rebel Slave-mongers and that dismemberment is inevitable. "Jefferson Davis" says one of them "has created a *nation*." Thus do these representatives of declared "neutrality" degrade us and exalt Slavery. But it is apparent that their annunciation, though made in Parliament and repeated at public meetings, was founded less on any special information from the seat of war, disclosing its secret, than on political theory, if not prejudice. It is true that our eloquent teacher, Edmund Burke, in his famous letter to the Sheriffs of Bristol, argued most persuasively that Great Britain could not succeed in reclaiming the colonies, which had declared themselves independent. His reasoning rather than his wisdom, seems to have entered into and possessed the British statesmen of our day, who do not take the trouble to see that the two cases are so entirely unlike that the example of the one is not applicable to the other; that the colonies were battling to found a *new* Power on the corner-stone of "liberty, equality and happiness to all men," while our Slave-mongers are battling to found a *new* Power on the corner-stone of "Slavery." The difference is such as to become a contrast—so that whatever was once generously said in favor of American Independence now tells with unmistakable force against this new-fangled pretension.

No British statesman saw the past more clearly than Lord Russell when long ago, in striking phrase, he said that England, in her war against our fathers, "had engaged *for the suppression of Liberty*;" (*Hansard's Parliamentary Debates*, 2d series, Vol. viii. p. 1036, April 16, 1823,) but this is precisely what Rebel Slave-mongers are now doing. Men change; but principles are the same now as then. Therefore, do I say, that every sympathy formerly bestowed upon our fathers now belongs to us their children, striving to uphold their work against bad men, who would not only break it in pieces but put in its stead a *new* piratical Power, whose declared object is "the suppression of Liberty." And yet British ministers, mounting the prophetic tripod, presume most oracularly to foretell the doom of this Republic. Their prophecies do not disturb my confidence. I do not forget how often false prophets have appeared—includ-

ing the author of the *Oceana*, who published a demonstration of the impossibility of monarchy in England only six months before Charles II. entered London amidst salvos of cannon, and the hurrahs of the people. Nor do I stop to consider how far such prophecies uttered in public places by British Ministers are consistent with that British "neutrality" which is so constantly boasted. Opinions are sometimes allies more potent than subsidies, especially in an age like the present. Prophecies are opinions proclaimed and projected into the future, and yet these are given freely to Rebel Slave-mongers. There is matter for reflection in this instance, but I adduce it now only as another illustration of the times. Nothing can be more clear than that whosoever assumes to play the prophet becomes pledged in character and pretension to sustain his prophecy. The learned Jerome Cardan, professor and doctor, and also dabbler in astrology, of great fame in the middle ages, undertook to predict the day of his death, and he maintained his character as a successful prophet by taking his own life at the appointed time. If British Ministers, who have played the prophet, escape the ordinary influences of this craft, it will be from that happy nature, which has suspended for them human infirmity and human prejudice. But it becomes us to note well the increased difficulties and dangers to which on this account the National cause is exposed.

(10.) But it is not in "words" only,—of speeches, despatches or declarations,—that our danger lies. I am sorry to add that there are acts also with which the British Government is too closely associated. I do not refer to the unlimited supply of "munitions of war," so that our army at Charleston, like our army at Vicksburg, is compelled to encounter Armstrong guns and Blakeley guns, with all proper ammunition, from England; for the right of British subjects to sell these articles to Rebel Slave-mongers was fixed when the latter, by sudden metamorphosis were changed from lawless vagrants of the ocean to lawful Belligerents. Nor do I refer to the swarms of swift steamers, "a pitchy cloud warping on the Eastern wind," always under the British flag, with contributions to Rebel Slave-mongers; for these too, enjoy a kindred immunity. Of course, no Royal Proclamation can change wrong into right or make such business otherwise than immoral; but the Proclamation may take from it the character of felony.

But even the Royal Proclamation gives no sanction to the preparation in England of a *naval expedition* against the commerce of the United States. It leaves the Parliamentary Statute, as well as the general Law of Nations, in full efficacy to restrain and punish such an offence. And yet in the face of this obvious prohibition, standing forth in the text of the law, and founded in reason "before human statute purged the common weal," also exemplified by the National Government, which, from the time of Washington, has always guarded its ports against such outrage, powerful

ships have been launched, equipped, fitted out and manned in England, with arms supplied at sea from another English vessel, and then, assuming that by this insulting *hocus pocus* all English liability was avoided, they have proceeded at once to rob and destroy the commerce of the United States. *England has been their naval base* from which were derived the original forces and supplies which enable them to sail the sea. Several such ships are now depredating on the ocean, like Captain Kidd, under pretended commissions—each in itself a *naval expedition*. As England is not at war with the United States, these ships can be nothing else than pirates; and their conduct is that of pirates. Unable to provide a Court for the trial of prizes, they revive for every captured ship the barbarous *Ordeal of Fire*. Like pirates, they burn all that they cannot rob. Flying from sea to sea, they turn the ocean into a furnace and melting-pot of American commerce. Of these incendiaries the most famous is the Alabama, with a picked crew of British sailors, with “trained gunners out of her Majesty’s naval reserve,” and with every thing else from keel to top-mast British! which, after more than a year of unlawful havoc, is still burning the property of our citizens, *without once entering a Rebel Slave-monger port*, but always keeping the umbilical connection with England, out of whose womb she sprung, and never losing the original nationality stamped upon her by origin, so that at this day she is a British pirate ship—precisely as a native-born Englishman, robbing on the high seas, and never naturalized abroad, is a British pirate subject.

It is bad enough that all this should proceed from England. It is hard to bear. Why is it not stopped at once? One cruiser might perhaps elude a watchful Government. But it is difficult to see how this can occur once—twice—three times; and the cry is still they sail. Two powerful rams are now announced, like stars at a theatre. Will they too be allowed to perform? I wish there were not too much reason to believe that all these performances are sustained by a prevailing British sympathy. A Frenchman, who was accidentally a prisoner on board the Alabama at the destruction of two American ships, describes a British packet in sight whose crowded passengers made the sea resound with cheers as they witnessed the captured ships handed over to the flames. The words of Lucretius were verified; *Suave etiam belli certamina magna tueri*. But these same cheers were echoed in Parliament, as the builder of the piratical craft gloried in his deed. The verse which filled the ancient theatre with glad applause, declared a sympathy with Humanity; but English applause is now given to Slavery and its defenders; “I am an Englishman, and nothing of Slavery is foreign to me.” Accordingly Slavery is helped by English arms, English gold, English ships, English speeches, English cheers. And yet for the honor of England, let it be known, that there are Englishmen, who have

stood firm and unshaken amidst this painful recreancy. Their names cannot be forgotten. And still more for the honor of England, let it be spoken that the working classes, who were called to suffer the most, have bravely borne their calamity, without joining with the enemies of the Republic. Their cheers have been for Freedom and not for Slavery.

But the cheers of the House of Commons seem to prevail in her Majesty's Government. Municipal Law is violated—while International Law, in its most solemn obligation to do unto others as we would have them do unto us—is treated as if it did not exist. Eminent British functionaries in Court and Parliament, vindicate the *naval expeditions*, which, *in the name of Slavery*, have been unleashed against a friendly Power. Taking advantage of an admitted principle, that “munitions of war” may be supplied, the Lord Chief Baron of the Exchequer tells us, that “ships of war” may be supplied also. Lord Palmerston echoes the Lord Chief Baron. Each vouches American authority. But they are mistaken. The steel which they strive to “impell” cannot be feathered from our sides. Since the earliest stage of its existence the National Government has asserted a distinction between the two cases; and so has the Supreme Court, although there are words of Story which have been latterly quoted to the contrary. But the authority of the Supreme Court is positive on both the points into which the British apology is divided. The first of these is that, even if a “ship of war” cannot be furnished, the offence is not complete until the armament is put aboard, so that where the ship, though fitted out and equipped in a British port, awaits her armament at sea, she is not liable to arrest. Such an apology is an insult to the understanding and to common sense—as if it was not obvious that the offence begins with the laying of the keel for the hostile ship, *knowing it to be such*; and in this spirit the Supreme Court has decided that it “was not necessary to find that a ship on leaving port was armed or in a condition to commit hostilities;—for citizens are restrained from such acts as are calculated to involve the country in a war.” *U. S. vs. Quincy*, 6 Peters, 445.) The second apology assumes, that, even if the armament were aboard so that the “ship of war” was complete at all points, still the expedition would be lawful, if the juggle of a sale were adroitly employed. But on this point the Supreme Court, speaking by Chief Justice Marshall, has left no doubt of its deliberate and most authoritative judgment. In the case before the Court, the armament was aboard, but cleared as cargo; the men too were aboard but enlisted for a commercial voyage; the ship, though fitted out to cruise against a nation with which we were at peace, was not commissioned as a privateer, and did not attempt to act as such until she had reached the River La Plata, *where a commission was obtained and the crew*

re-enlisted, yet, in the face of these extenuating circumstances, it was declared by the whole Court that the neutrality of the United States had been violated, so that the guilty ship could not afterwards be recognized as a legitimate cruiser. All these disguises were to no purpose. The Court penetrated them every one, saying that, if such a ship could lawfully sail there would be on our part "a fraudulent neutrality, disgraceful to our government, of which no nation would be the dupe." (*The Gran Para*, 7 Wheat., 471, and also four other cases in same volume.) But a "neutrality" worse even than that condemned in advance by our Supreme Court, "of which no nation would be the dupe," is now served out to us, which nothing but the fatal war spirit that has entered into Great Britain can explain. There was a time when the Foreign Secretary of England, truly eminent as statesman and as orator, Mr. Canning, said in the House of Commons: "If war must come, let it come in the shape of satisfaction to be demanded for injuries, of rights to be asserted, of interests to be protected, of treaties to be fulfilled. *But, in God's name, let it not come on in the paltry, pettifogging way of fitting out ships in our harbors to cruise for gain. At all events let the country disdain to be sneaked into a war.*" (Canning's Speeches, Vol. v. p. 51.) These noble words were uttered in reply to Lord John Russell and his associates in 1823, on their proposition to repeal the Foreign Enlistment Act and to overturn the statute safeguards of British neutrality. But they speak now with greater force than then.

Even if it be admitted that "ships of war," like "munitions of war," may be sold to a Belligerent, as is asserted by the British Prime Minister, echoing the Lord Chief Baron, it is obvious that it can be only with the distinction, to which I have already alluded, that the sale is a *commercial transaction*, pure and simple, and not, in any respect, a *hostile expedition* fitted out in England. The ship must be "exported" as an *article of commerce*, and it must continue such *until* its arrival at the belligerent port, where alone can it be fitted out and commissioned as a "ship of war," when its hostile character will commence. Any attempt in England to impart to it a hostile character, or, in one word, to make England its *naval base*, must be criminal; but this is precisely what has been done. And here are the leonine foot-prints which point so badly.

(11.) But not content with misconstruing the decisions of our Supreme Court, in order to make them a cover for *naval expeditions* to depredate on our commerce, our whole history is forgotten or misrepresented. It is forgotten, that, as early as 1793, under the administration of Washington, before any Act of Congress on the subject, the National Government recognized its liability, under the Law of Nations, for ships fitted out in its ports to depredate on British commerce; that Washington, in a Message to

Congress, describes such ships as "vessels commissioned or equipped in a warlike form, within the limits of the United States," and also as "military expeditions or enterprises," (*American State Papers*, Vol. i. p. 22,) and that Jefferson, in vindicating this policy of *repression*, said, in a letter to the French Minister, that "it was our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder;" (*Ibid*, 148.) that, on this occasion the National Government made the distinction between "munitions of war" which a neutral might supply in the way of commerce to a belligent, and "ships of war," which a neutral was not allowed to supply, or even to augment with arms; that Mr. Hammond, the British plenipotentiary at that time, by his letter of 8th May, 1793, after complaining of two French privateers fitted out at Charleston, to cruise against British Commerce, expressly declares that he considers them "breaches of that neutrality which the United States profess to observe, and direct contraventions of the Proclamation which the President had issued," (*Wharton's State Trials*, p. 49,) and that very soon there were criminal proceedings, at British instigation, on account of these privateers, in which it was affirmed by the Court, that such ships could not be fitted out in a neutral port without a violation of international obligations; that, promptly thereafterwards, on the application of the British Government, a statute was enacted, in harmony with the Law of Nations, for the better maintenance of our neutrality; that, in 1818, Congress enacted another statute in the nature of a Foreign Enlistment Act, which was proposed as an example by Lord Castlereagh, when urging a similar statute upon Parliament; that in 1823 the conduct of the United States on this whole head was proposed as an example to the British Parliament by Mr. Canning; that, in 1837, during the rebellion in Canada, on the application of the British Government, and to its special satisfaction, as was announced in Parliament by Lord Palmerston, who was at the time Foreign Secretary, our Government promptly declared its purpose "to maintain the supremacy of those laws which had been passed to fulfil the obligations of the United States towards all nations which should be engaged in foreign or domestic warfare;" and, not satisfied with its existing powers, undertook to ask additional legislation from Congress; that Congress proceeded at once to the enactment of another statute, calculated to meet the immediate exigency, wherein it was provided that collectors, marshals and other officers shall "seize and detain *any vessel* which may be provided or prepared for *any military expedition* or enterprise against the territories or dominions of any Foreign Prince or Power." (*Statutes at Large*, Vol. v. p. 212.) It is something to forget these things; but it is convenient to forget still further that, on the breaking out of the Crimean War, in 1854, the

British Government, jointly with France, made another appeal to the United States, that our citizens "should rigorously abstain from taking part in armaments of Russian privateers, or in any other measure opposed to the duties of a strict neutrality" and this appeal, which was declared by the British Government to be "in the spirit of just reciprocity," was answered on our part by a sincere and determined vigilance, so that not a single British or French ship suffered from any cruiser fitted out in our ports. And it is also convenient to forget still further the solemn obligations of Treaty, binding on both parties, by which it is stipulated,

"That the subjects and citizens of the two nations *shall not do any acts of hostility or violence against each other*, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite or endeavor to enlist in their military service, any of the subjects or citizens of the other party; *and the laws against all such offences and aggressions shall be punctually executed.*" (Statutes at Large, Vol. viii. p. 127.)

But at the date of this Treaty, in 1794, there was little legislation on the subject in either country; so that the Treaty, in harmony with the practice, testifies to the requirements of the Law of Nations, as understood at the time by both Powers.

And yet, forgetting all these things,—which show how faithfully the National Government has acted, both in measures of *repression* and measures of *compensation*—also how often the British Government has asked and received protection at our hands, and how highly our example of neutrality has been appreciated by leading British statesmen—and forgetting also that "spirit of just reciprocity" which, besides being the prompting of an honest nature, had been positively promised—ship after ship is permitted to leave British ports to depredate on our commerce; and when we complain of this outrage, so unprecedented and so unjustifiable, all the obligations of International Law are ignored, and we are petulantly told that the evidence against the ships is not sufficient *under the statute*; and when we propose that the statute shall be rendered efficient for the purpose, precisely as in past times the British Government, under circumstances less stringent, proposed to us, we are pointedly repelled by the old baronial declaration, that there must be no change in the laws of England; while to cap this strange insensibility, Lord Palmerston, in one of the last debates of the late Parliament, brings against us a groundless charge of infidelity to our neutral duties during the Crimean war, when the fact is notoriously the reverse, and Lord Russell, in the same spirit, imagines an equally groundless charge, which he records in a despatch, that we have recently enlisted men in Ireland, when notoriously we have done no such thing. Thus all the obligations of reciprocal service and good will are openly discarded, while our public conduct, as well in the past as the present, is openly misrepresented.

(12.) This flagrant oblivion of history and of duty, which seems to be the adopted policy of the British Government, has been characteristically followed by a flat refusal to pay for the damages to our commerce caused by the hostile expeditions. The United States, under Washington, on the application of the British Government, made compensation for damages to British commerce under circumstances much less vexatious, and, still further, by special treaty, made compensation for damages "by vessels originally armed" in our ports, which is the present case. Of course, it can make no difference—not a pin's difference—if the armament is carried out to sea, in another vessel from a British port, and there transhipped. Such an evasion may be effectual against a Parliamentary statute, but it will be impotent against a demand upon the British Government, according to the principles of International Law; for this law looks always at the *substance* and not the *form*, and will not be diverted by the trick of a pettifogger. Whether the armament be put on board in port or at sea, England is always the *naval base*, or, according to the language of Sir William Scott, in a memorable case, the "station" or "vantage ground,"—which he declared a neutral country could not be. (*Twee Gebroeders*, 3 Robinson, R. 162.) Therefore, the early precedent between the United States and England is in every respect completely applicable, and since this precedent was established—*not only by the consent of England but at her motion*—it must be accepted on the present occasion as an irreversible declaration of International duty. Other nations might differ, but England is bound. And now it is her original interpretation, first made to take compensation from us, which is flatly rejected, when we ask compensation from her. But even if the responsibility for a *hostile expedition* fitted out in British ports were not plain, there is something in the recent conduct of the British Government calculated to remove all doubt. Pirate ships are reported on the stocks ready to be launched, and when the Parliamentary statute is declared insufficient to stop them, the British Government declines to amend it, and so doing, it openly declines to stop the pirate ships, saying, "if the Parliamentary statute is inadequate then let them sail." It is not needful to consider the apology. The act of declension is positive and its consequences are no less positive, *fixing beyond question the responsibility of the British Government for these criminal expeditions*. In thus fixing this responsibility, we but follow the suggestions of reason, and the text of an approved authority, whose words have been adopted in England.

"It must be laid down as a maxim, that a sovereign, who, knowing the crimes of his subjects, as for example that they *practice piracy* on strangers, and being also able and obliged to hinder it, does not hinder it, *renders himself criminal, because he has consented to the bad action, the commission*

of which he has permitted. It is presumed that a Sovereign knows what his subjects openly and frequently commit, and, *as to his power of hindering the evil, this likewise is always presumed,* unless the want of it be clearly proved."

Such are the words of Burlemaqui, in his work on Natural Law, quoted with approbation by Phillimore in his work on the Law of Nations.—(*Phillimore*, Vol. i. p. 237.) Unless these words are discarded as "a maxim,"—while the early precedent of British demand upon us for compensation is also rudely rejected—it is difficult to see how the British Government can avoid the consequences of complicity with the pirate ships in all their lawless devastation. But I forbear to dwell on this accumulating liability, amounting already to many millions of dollars, with accumulating exasperations also. My present object is accomplished, if I make you see which way danger lies.

(13.) But beyond acts and words this same British *rabbia* shows itself in the official tone, which has been adopted towards the National cause in its unparalleled struggle—especially throughout the correspondence of the British Foreign Office. Of course, there is no friendship in any of these letters. Nor is there any sympathy with the National championship against Rebel Slave-mongers, nor one word of mildest dissent even from the miscreant apostolate which was preached in their behalf. Naturally the tone is in harmony with the sentiment. Hard, curt, captious, cynical, it evinces an indifference to those kindly relations which nations ought to cultivate with each other, and which should be the study of a wise statesmanship. The Malay *runs a-muck*, and such is the favorite diplomatic style in dealing with us. This is painfully conspicuous in all that concerns the pirate ships. But I can well understand that a Minister, who so easily conceded Belligerent Rights to Rebel Slave-mongers, and then so easily permitted their ships to sally forth for piracy, would be very indifferent to the tone of what he wrote. And yet even outrage may be soothed or softened by gentle words; but none such have come out of British diplomacy to us. Most deeply do I regret this too suggestive failure. And believe me, fellow citizens, I say these things with sorrow unspeakable, and only in discharge of my duty on this occasion, when, face to face, I meet you to consider the aspects of our affairs abroad.

(14.) But there is still another head of danger in which all others culminate. I refer to an intrusive Mediation or, it may be, a Recognition of the Slave-monger pretension as an Independent Nation; for such propositions have been openly made in Parliament and constantly urged by the British press, and, though not yet adopted by her Majesty's Government, they have never been repelled on principle, so that they constitute a perpetual cloud, threatening to break, in our foreign relations. It is plain to all

who have not forgotten history, that England never can be guilty of such Recognition without an unpardonable apostacy; nor can she intervene by way of Mediation except in the interests of Freedom. And yet such are the strange "elective affinities" newly born between England and Slavery; such is the towering blindness, with regard to our country, kindred to that which prevailed in the time of George Grenville and Lord North, that her Majesty's Government, instead of repelling the proposition, simply adjourn it, meanwhile adopting the attitude of one watching to strike. The British Minister at Washington, of model prudence, whose individual desire for peace I cannot doubt, tells his Government in a despatch which will be found in the last Blue Book, that as yet he sees no sign of "a conjuncture at which Foreign Powers *may step in with propriety* and effect to put a stop to the effusion of blood." Here is a plain assumption that such a conjuncture may occur. But for the present we are left free to wage the battle against Slavery without any such Intervention in arrest of our efforts.

Such are some of the warnings which lower from the English sky, bending over the graves of Wilberforce and Clarkson, while sounding from these sacred graves are heard strange, un-English voices, crying out, "Come unto us, Rebel Slave-mongers, whippers of women and sellers of children, for you are the people of our choice, whom we welcome promptly to *ocean rights*—with Armstrong guns and *naval expeditions* equipped in our ports, and on whom we lavish sympathy always and the prophecy of success;—while for you, who uphold the Republic and oppose Slavery, we have hard words, criticism, rebuke and the menace of war."

Perils from France.

If we cross the channel into France, we shall not be encouraged much. And yet the Emperor, though acting habitually in concert with the British Cabinet, has not intermeddled so illogically or displayed a temper of so little international amiability. The correspondence under his direction, even at the most critical moments, leaves little to be desired in respect of form. Nor has there been a single blockade-runner under the French flag; nor a single pirate ship from a French port. But in spite of these things, it is too apparent that the Emperor has taken sides against us in at least four important public acts—positively, plainly, offensively. The Duke de Choiseul, Prime Minister of France, was addressed by Frederick the Great, as "the coachman of Europe,"—a title which belongs now to Louis Napoleon. But he must not try to be "the coachman of America."

(1.) Following the example of England Louis Napoleon has acknowledged the Rebel Slave-mongers as *ocean Belligerents*, so that with the sanction of France, our ancient ally, their pirate

ships, although without a single open port which they can call their own, enjoy a complete immunity as lawful cruisers, while all who sympathize with them may furnish supplies and munitions of war. This fatal concession was aggravated by the concurrence of the two great Powers. But, God be praised, their joint act, though capable of giving a brief vitality to Slavery on pirate decks, will be impotent to confirm this intolerable pretension.

(2.) Sinister events are not alone and this recognition of Slavery was followed by an expedition of France, in concurrence with England and Spain, against our neighbor Republic, Mexico. The two latter Powers, with becoming wisdom, very soon withdrew; but the Emperor did not hesitate to enter upon an invasion. A French fleet with an unmatched iron-clad, the consummate product of French naval art, is now at Vera Cruz and the French army after a protracted siege has stormed Puebla and entered the famous Capital. This far-reaching enterprise was originally said to be a sort of process, served by a general, for the recovery of outstanding debts due to French citizens. But the Emperor in a mystic letter to General Forey gave to it another character. He proposed nothing less than the restoration of the Latin race on this side of the Atlantic, and more than intimates that the United States must be restrained in power and influence over the Gulf of Mexico and the Antilles. And now the Archduke Maximilian of Austria has been proclaimed Emperor of Mexico under the protection of France. It is obvious that this imperial invasion, though not openly directed against us, would not have been made, if our convulsions had not left the door of the continent ajar, so that foreign Powers may now bravely enter in. And it is more obvious that this attempt to plant a throne by our side would "have died before it saw the light," had it not been supposed that the Rebel Slave-mongers were about to triumph. Plainly the whole transaction is connected with our affairs, and I know not if it may not be a stepping-stone to some actual participation in the widening circle of the war. But it can be little more than a transient experiment—for who can doubt that this imperial exotic, planted by foreign care and propped by foreign bayonets, will disappear before the ascending glory of the Republic.

(3.) This enterprise of war was followed by an enterprise of diplomacy not less hardy. The Emperor, not content with stirring against us the gulf of Mexico, the Antilles and the Latin race, entered upon work of a different character. He invited England and Russia to unite with France in tendering to the two Belligerents (such is the equal designation of our Republic and the embryo slave-monger mockery!) their joint Mediation and procure "an armistice for six months, during which every act of war, direct or indirect, should provisionally cease on sea as well as on land, to be renewed if necessary for a further period." The Cabinets of England and Russia, better inspired, declined the

invitation, which looked to little short of Recognition itself. Under the armistice proposed all our vast operations must have been suspended—the blockade itself must have ceased—while the rebel ports were opened on the one side to unlimited imports of supplies and military stores, and on the other side to unlimited exports of cotton. Trade for the time would have been legalized in these ports, and Slavery would have lifted its grinning front before the civilized world. Not disheartened by this failure, the Emperor alone pushed forward his diplomatic enterprise against us, as he had alone pushed forward his military enterprise against Mexico, and he proposed to our Government the unsupported mediation of France. His offer was promptly rejected by the President. Congress by solemn resolutions, adopted by both Houses, with singular unanimity, and communicated since to all foreign governments, announced that such a proposition could be attributed only “to a misunderstanding of the true state of the question and the real character of the war in which the Republic is engaged; and that it was in its nature so far injurious to the national interests that Congress would be obliged to consider its repetition an unfriendly act.” This is strong language, but it frankly states the true position of our country. Any such offer, whatever may be its motive, must be an encouragement to the Rebellion. In an age when ideas prevail and even words become things, the simple declarations of statesmen are of incalculable importance. But the head of a great nation is more than statesman. The imperial proposition tended directly to the dismemberment of the Republic and the substitution of a ghastly Slave-monger nation.

Baffled in this effort, twice attempted, the Emperor does not yet abandon its policy. We are told that “it is postponed to a more suitable opportunity;” so that he too waits to strike—if the Gallic cock does not sound the alarm in an opposite quarter. Meanwhile the development of the Mexican expedition shows too clearly the motive of mediation. It was all one transaction. Mexico was invaded for empire, and mediation was proposed in order to help the plot. But the invasion must fail with the diplomacy to which it is allied.

(4.) But the policy of the French Emperor towards our Republic has not been left to any uncertain inference. For a long time public report has declared him to be unfriendly, and now public report is confirmed by what he has done and said. The ambassadorial attorney of Rebel Slave-mongers has been received by him at the Tuilleries; members of Parliament, on an errand of hostility to our cause, have been received by him at Fontainebleau; and the official declaration has been made *that he desires to recognize the Rebel Slave-mongers as an Independent Power*. This has been hard to believe; but it is too true. The French Emperor is against us. In an evil hour, under tempta-

tions which should be scouted, he forgets the precious traditions of France whose blood commingled with ours in a common cause ; he forgets the sword of Lafayette and Rochambeau flashing by the side of the sword of Washington and Lincoln, while the lilies of the ancient monarchy floated together with the stars of our infant flag ; he forgets that early alliance, sealed by Franklin, which gave to the Republic the assurance of national life, and made France the partner of her rising glory ; *Heu pietas, heu prisca fides,—manibus date lilia plenis* ; and he forgets still more the obligations of his own name,—how the first Napoleon surrendered to us Louisiana and the whole region West of the Mississippi, saying, “ this accession of territory establishes forever the power of the United States, and gives to England a maritime rival destined to humble her pride ; ” and he forgets also how he himself, when beginning his Intervention for Italian Liberty, boasted proudly that France always stood for an “ idea ; ” and, forgetting these things, which mankind cannot forget, he seeks the disjunction of this Republic, with the spoliation of that very territory, which had come to us from the first Napoleon, while France, always standing for an “ idea ” is made under his auspices to stand for the “ idea ” of welcome to a new evangel of Slavery, with Mason and Slidell as the evangelists. Thus is the imperial influence thrown on the side of Rebel Slave-mongers. Unlike the ancient Gaul, the Emperor forbears for the present to fling his sword into the scale ; but he flings his heavy hand, if not his sword.

But only recently we have the menace of the sword. The throne of Mexico has been offered to an Austrian Archduke. The desire to recognize the Independence of Rebel Slave-mongers has been officially declared. These two incidents are to be taken together—as the complements of each other. And now we are assured by concurring report, that Mexico is to be maintained as an Empire. The policy of the Holy Alliance, originally organized against the great Napoleon, is adopted by his representative on the throne of France. What its despot authors left undone the present Emperor, nephew of the first, proposes to accomplish. It is said that Texas also is to be brought under the Imperial Protectorate, thus ravishing a possession, which belongs to this Republic, as much as Normandy belongs to France. The “ partition ” of Poland is acknowledged to be the great crime of the last century. It was accomplished by Three Powers, with the silent connivance of the rest ; but not without pangs of remorse on the part of one of the spoilers. “ I know,” said Maria Theresa to the ambassador of Louis XVI., “ that I have brought a deep stain on my reign by what has been done in Poland ; but I am sure that I should be forgiven, if it could be known what repugnance I had to it.” (*Flossan, Histoire de la Diplomatie Francaise, Vol. vii. p. 125.*) But the French Emperor seeks to play on this continent the very

part which of old caused the contrition of Maria Theresa ; nor could the " partition " of our broad country—if in an evil hour it were accomplished—fail to be the great crime of the present century. Trampler upon the Republic in France—trampler upon the Republic in Mexico—it remains to be seen if the French Emperor can prevail as trampler upon this Republic. I do not think he can ; nor am I anxious on account of the new Emperor of Mexico, who will be as powerless as King Canute against the rising tide of the American people. His chair must be withdrawn or he will be overwhelmed.

And here I bring to an end this unpleasant review. It is with small satisfaction, and only in explanation of our relations with Foreign Powers, that I have accumulated these instances, not one of which, small as well as great, is without its painful lesson, while they all testify with a single voice to the perils of our country.

[II.]

FOREIGN INTERVENTION, BY MEDIATION OR INTERCESSION.

But there is another branch of the subject, which is not less important. Considering all these things and especially how great Powers abroad have constantly menaced Intervention in our war, now by criticism and now by proffers of Mediation, all tending painfully to something further, it becomes us to see what, according to the principles of International Law and the examples of history will justify Foreign Intervention, in any of the forms which it may take. And here there is one remark which may be made at the outset. Nations are equal in the eye of International Law, so that what is right for one is right for all. It follows that no nation can justly exercise any right which it is not bound to concede under like circumstances. Therefore, should our cases be reversed, there is nothing which England and France have now proposed or which they may hereafter propose which it will not be our equal right to propose, when Ireland or India once more rebel, or when France is in the throes of its next revolution. Generously and for the sake of that International Comity, which should not be lightly hazarded, we may reject the precedents they now furnish ; but it will be hard for them to complain if we follow them.

Foreign Intervention is on its face inconsistent with every idea of National Independence, which in itself is nothing more than the conceded right of a nation to rest undisturbed so long as it does not disturb others. If nations stood absolutely alone, dissociated from each other, so that what passed in one had little or no influence in another, only a tyrannical or intermeddling spirit could fail to recognize this right. But civilization itself, by drawing nations nearer together and bringing them into one society, has brought them under reciprocal influence, so that no nation

can now act or suffer by itself alone. Out of the relations and suggestions of good neighborhood—involving, of course, the admitted right of self-defence—springs the only justification or apology which can be found for *Foreign Intervention*, which is the general term to signify an interposition in the affairs of another country, whatever form it may take. Much is done under the name of “good offices,” whether in the form of *Mediation or Intercession*; and much also by military power, whether in the declared will of superior force or directly by arms. *Recognition of Independence* is also another instance. Intervention in any form is interference. If peaceable it must be judged by its motive and tendency; if forcible it will naturally be resisted by force.

Intervention may be between two or more nations, or it may be between the two parties to a civil war; and yet again, it may be where there is no war, foreign or domestic. In each case, it should be governed strictly by the same principles, except, perhaps, that, in the case of a civil war, there should be a more careful consideration, not only of the rights, but of the susceptibilities of a nation so severely tried. This is the obvious suggestion of humanity. Indeed, Intervention between nations is only a common form of participation in foreign war; but intervention in a civil war is an intermeddling in the domestic concerns of another nation. Of course, whoever acts at the *joint invitation of the belligerent parties*, in order to compose a bloody strife, will be entitled to the blessings which belong to the peace-makers; but, if uninvited, or acting only at the invitation of one party, he will be careful to proceed with reserve and tenderness, in the spirit of peace, and will confine his action to a proffer of good offices in the form of *Mediation or Intercession*, unless he is ready for war. Such a proffer may be declined without offence. But it can never be forgotten that, *where one side is obviously fighting for Barbarism*, any Intervention, whatever form it may take,—if only by captious criticism, calculated to give encouragement to the wrong side, or to secure for it time or temporary toleration, if not final success,—*is plainly immoral*. If not contrary to the Law of Nations, it ought to be.

Intervention, in the spirit of Peace and for the sake of Peace, is one of the refinements of modern civilization. Intervention, in the spirit of war, if not for the sake of war, has filled a large space in history, ancient and modern. But all these instances may be grouped under two heads; first, Intervention in *external* affairs; and, secondly, Intervention in *internal* affairs. The first may be illustrated by the Intervention of the Elector Maurice, of Saxony, against Charles V.; of King William against Louis XIV.; of Russia and France, in the seven years' war; of Russia again between France and Austria, in 1805, and also between France and Prussia, in 1806; and of France, Great Britain and Sardinia, between Turkey and Russia, in the war of the Crimea.

The Intervention of Russia, Austria, and Prussia, in the affairs of Poland; of Great Britain among the native Powers of India; and of the Allied Powers, under the continued inspiration of the Treaty of Pilnitz, in the French Revolution, are illustrations of the second head. But without dwelling on these great examples, I shall call attention to instances, which show more especially the growth of intervention, first, in external, and, then, in internal affairs. And here I shall conceal nothing. Instances, which seem to be against the principles which I have at heart, will at least help to illustrate the great subject, so that you may see it as it is.

Intervention in External Affairs.

(1.) First in order, and for the sake of completeness, I speak of Intervention in *external* affairs, where two or more nations are parties.

As long ago as 1645, France offered Mediation between what was then called "the two crowns of the North," Sweden and Denmark. This was followed, in 1648, by the famous Peace of Westphalia, the beginning of our present Law of Nations, which was negotiated under the joint Mediation of the Pope and the Republic of Venice, present by Nuncio and Ambassador. Shortly afterwards, in 1655, the Emperor of Germany offered his Mediation between Sweden and Poland, but the old historian records that the Swedes suspected him of seeking to increase rather than to arrange pending difficulties, which was confirmed by his appearance shortly afterwards in the Polish camp. But Sweden, though often belligerent in those days, was not so always, and, in 1672, when war broke forth between France and England on one side and the Dutch Provinces on the other, we find her proffering a Mediation, which was promptly accepted by England, who justly rejected a similar proffer which the Elector of Brandenburg, ancestor of the kings of Prussia, had the hardihood to make while marching at the head of his forces to join the Dutch. The English notes on this occasion, written in what at the time was called "sufficiently bad French but in most intelligible terms," declared that the Electoral proffer, though under the pleasant name of mediation, (*par le doux nom de mediation*), was in reality an arbitration, and that, instead of a Mediation, *unarmed and disinterested*, it was a Mediation, armed and pledged to the enemies of England. (Wicquefort, *L'Ambassadeur*, Vol. i. p. 135.)

Such are some of the earlier instances, all of which have their lesson for us. But there are modern instances. I allude only to the Triple Alliance between Great Britain, Prussia and Holland, which, at the close of the last century, successively intervened, by a Mediation, which could not be resisted, to compel Denmark—

which had sided with Russia against Sweden—to remain neutral for the rest of the war; then in 1791 to dictate the terms of peace between Austria and the Porte; and lastly in 1792, to constrain Russia into an abandonment of her designs upon the Turkish Empire, by the peace of Jassey. On this occasion the Empress of Russia, Catharine, peremptorily refused the Mediation of Prussia and the Mediating Alliance made its approaches through Denmark, by whose good offices the Empress was finally induced to consent to the Treaty. While thus engaged in a work of professed Mediation, England, in a note to the French ambassador declined a proposition to act as Mediator between France and the Allied Powers; leaving that world-embracing war to proceed. But England has not only refused to act as Mediator but *has also refused to submit to a mediation*. This was during the last war with the United States, when Russia, at that time the ally of England, proffered her Mediation between the two belligerents, which was promptly accepted by the United States. Its rejection at the time by England, causing the prolongation of hostilities, was considered by Sir James Mackintosh less justifiable, as “a mediator is a common friend, who counsels both parties with a weight proportioned to their belief in his integrity and their respect for his power; but he is not an arbitrator to whose decision they submit their differences where award is binding on them.” The peace of Ghent was concluded at last under Russian Mediation. But England has not always been belligerent. When Andrew Jackson menaced letters of marque against France, on account of a failure to pay a sum stipulated in a recent Treaty with the United States, King William IV. proffered his Mediation between the two Powers; but happily the whole question was already arranged. It appears also that, before our war with Mexico, the good offices of England were tendered to the two parties, but neither was willing to accept them, and war took its course. Such are instances of interference in the external affairs of nations, and since International Law is to be traced in history, they furnish a guide which we cannot safely neglect, especially in view of the actual policy of England and France.

Intervention in Internal Affairs.

(2.) But the instances of Foreign Intervention in the *internal* affairs of a nation are more pertinent to the present occasion. They are numerous and not always harmonious, especially if we compare the new with the old. In the earlier times such Intervention was regarded with repugnance. But the principle then declared has been sapped on the one side by the conspiracies of tyranny, seeking the suppression of liberal institutions, and on the other side, by a generous sympathy, breaking forth in support of liberal institutions. According to the old precedents, most of

which will be found in the gossiping book of Wicquefort, from whence they have been copied by Mr. Wildman, even *Foreign Intercession* was prohibited. Not even in the name of charity could one ruler speak to another on the domestic affairs of his government. Peter, King of Arragon, refused to receive an embassy from Alphonzo, King of Castile, entreating mercy for rebels. Charles IX., of France, a detestable monarch, in reply to ambassadors of the Protestant princes of Germany, pleading for his Protestant subjects, insolently said that he required no tutors to teach him how to rule. And yet this same sovereign did not hesitate to ask the Duke of Savoy to receive certain subjects "into his benign favor and to restore and re-establish them in their confiscated estates." (Guizot's *Cromwell*, Vol. ii. p. 210.) In this appeal there was a double inconsistency; for it was not only an interference in the affairs of another Prince but it was in behalf of Protestants, only a few months before the massacre of St. Bartholomew. Henry III., the successor of Charles, and a detestable monarch also, in reply to the Protestant ambassadors, announced that he was a sovereign prince, and ordered them to leave his dominions. Louis XIII. was of a milder nature, and yet when the English ambassador, the Earl of Carlisle, presumed to speak in favor of the Huguenots, he declared that no interference between the King of France and his subjects could be approved. The Cardinal Richelieu, who governed France so long, learning that an attempt was made to procure the Intercession of the Pope stopped it by a message to his Holiness, that the King would be displeased by any such interference. The Pope himself, on another recorded occasion, admitted that it would be a pernicious precedent to allow a subject to negotiate terms of accommodation through a foreign Prince. On still another occasion, when the King of France, forgetting his own rule, interposed in behalf of the Barberini Family, Innocent X. declared, that as he had no desire to interfere in the affairs of France, he trusted that his Majesty would not interfere in his. Queen Christina of Sweden, on merely hinting a disposition to proffer her good offices, for the settlement of the unhappy divisions of France, was told by the Queen Regent, that she might give herself no trouble on the subject, and one of her own Ministers at Stockholm declared that the overture had been properly rejected. Nor were the States General of Holland less sensitive. They even went so far as to refuse audience to the Spanish ambassador, seeking to congratulate them on the settlement of a domestic question, and, when the French ambassador undertook to plead for the Roman Catholics, the States by formal resolution denounced his conduct as inconsistent with the peace and constitution of the Republic, all of which was communicated to him by eight deputies who added by word of mouth whatever the resolution seemed to want in plainness of speech.

Nor is England without similar examples. Louis XIII., shortly after the marriage of his sister Henrietta Maria with Charles I., consented that the English ambassador should interpose for the French Protestants; but when the French ambassador in England requested the repeal of a law against Roman Catholics, Charles expressed his surprise that the King of France should presume to intermeddle in English affairs. Even as late as 1745, when, after the battle of Culloden, the Dutch ambassador in France was induced to address the British Government in behalf of Charles Edward, the Pretender, to the effect that if taken he should not be treated as a rebel, it is recorded that this Intercession was greatly resented by the British Government which, not content with an apology from the unfortunate official, required that he should be rebuked by his own government also. And this is British testimony with regard to Intervention in a civil war, even when it took the mildest form of Intercession for the life of a prince.

But in the face of these repulses, all these nations at different times have practiced Intervention in every variety of form. Sometimes by Intercession or "good offices" only, sometimes by Mediation, and often by arms. Even these instances attest the intermeddling spirit, for wherever Intervention was thus repulsed, it was at least attempted.

But there are two precedents belonging to the earlier period, which deserve to stand apart, not only for their historic importance, but for their applicability to our times. The first was the effort of that powerful minister, who during the minority of Louis XIV. swayed France—Cardinal Mazarin—to institute a Mediation between King Charles I. and his Parliament. The civil war had already been waged for years; good men on each side, had fallen, Falkland fighting for the King and Hampden fighting for the Parliament, and other costliest blood had been shed on the fields of Worcester, Edgehill, Newbury, Marston Moor, and Naseby, when the ambitious Cardinal, wishing to serve the King, according to Clarendon, promised "to press the parliament so imperiously, and to denounce a war against them, if they refused to yield what was reasonable." For this important service he selected the famous Pomponne de Believre, of a family tried in public duties—himself President of the Parliament of Paris and a peer of France—conspicuous in personal qualities, as in place, whose beautiful head preserved by the graver of Nantueil is illustrious in art, and whose dying charity lives still in the great hospital of the Hotel Dieu at Paris. On his arrival at London, the graceful ambassador presented himself to that Long Parliament which knew so well how to guard English rights. Every overture was at once rejected, by formal proceedings, from which I copy these words: "We do declare that we ourselves have been careful on all occasions to compose these unhappy troubles, *yet we have not, neither can,*

admit of any Mediation or interposing betwixt the King and us by any foreign Prince or State; and we desire that his Majesty, the French King, will rest satisfied with this our resolution and answer." On the committee which drew this reply was John Selden, unsurpassed for learning and ability in the whole splendid history of the English bar, on every book of whose library was written, "Before every thing, Liberty," and also that Harry Vane whom Milton, in one of his most inspired sonnets, addresses, as

"Vane, young in years, but in sage counsel old,
Than whom a better Senator ne'er held
The helm of Rome, when gowns not arms repelled
The fierce Epirot and the African bold."

The answer of such men may well be a precedent to us; especially should England, taking up the rejected policy of Mazarin, presume to send any ambassador to stay the Republic in its war with Slavery.

But the same heart of oak, which was so strenuous to repel the Intervention of France, in the great question between King and Parliament, was not less strenuous even in Intervention—when it could serve the rights of England or the principles of religious liberty. Such was England when ruled by the great Protector, called in his own day "chief of men." No nation so powerful as to be exempt from that irresistible intercession, where beneath the garb of peace there was a gleam of arms. From France, even under the rule of Mazarin, he claimed respect for the Protestant name, which he insisted upon making great and glorious. From Spain, on whose extended empire the sun at that time never ceased to shine, he insisted that no Englishman should be subject to the Inquisition. Reading to his council a despatch from Admiral Blake, announcing that he had obtained justice from the Viceroy of Malaga, Cromwell said "that he hoped to make the name of Englishman as great as ever that of Roman had been." In this same lofty mood he turned to propose his Mediation between Protestant Sweden and Protestant Bremen, "chiefly bewailing that being both his friends they should so despitefully combat one against another;" "offering his assistance to a commodious accommodation on both sides," and "exhorting them by no means to refuse any honest conditions of reconciliation."—(*Milton's Prose Works*, Vol. vi. p. 315, 16.) Here was Intervention between nation and nation; but it was soon followed by an Intervention in the internal affairs of a distant country, which of all the acts of Cromwell is the most touching and sublime. The French ambassador was at Whitehall urging the signature of a treaty, when news unexpectedly came from a secluded valley of the Alps—far away among those mountain torrents which are the affluents of the Po—that a company of pious Protestants, who had been for centuries gathered there,

where they kept the truth pure "when our fathers worshipped stocks and stones," were now suffering terrible persecution from their sovereign, Emanuel of Savoy; that they had been despoiled of all possessions and liberties, brutally driven from their homes, given over to a licentious and infuriate violence, and that when they turned in self-defence, they had been "slain by the bloody Piemontese, that rolled mother with infant down the rocks;" and it was reported that French troops took part in this dismal transaction. The Protector heard the story, and his pity flashed into anger. He declined to sign the treaty until France united with him in securing justice to these humble sufferers, whom he called the Lord's people. For their relief he contributed out of his own purse £2,000, and authorized a general collection throughout England, which reached to a large sum; but, besides giving money, he set apart a day of Humiliation and Prayer for them. Nor was this all. "I should be glad," wrote his Secretary, Thurloe, "to have a most particular account of that business, and to know what has become of these poor people, for whom our very souls here do bleed."—(*Vaughan's Protectorate*, Vol. i. p. 177.) But a mightier pen than that of any plodding secretary was enlisted in this pious Intervention. It was John Milton, glowing with that indignation which his sonnet on the massacre in Piemont has made immortal in the heart of man, who wrote the magnificent despatches, in which the English nation of that day after declaring itself "linked together with its distant brethren, not only by the same type of humanity, but by joint communion of the same religion," naturally and gloriously insisted that "whatever had been decreed to their disturbance on account of the Reformed Religion should be abrogated, and that an end be put to their oppressions." But not content with this call upon the Prince of Savoy, the Protector appealed to Louis XIV. and also to his Cardinal Minister; to the States General of Holland; to the Protestant Cantons of Switzerland; to the King of Denmark; to Gustavus Adolphus, and even to the Protestant Unitarian Prince of remote Transylvania; and always by the pen of Milton—rallying these Princes and Powers in joint intreaty and intervention and "if need be to some other speedy course, that such a numerous multitude of our innocent brethren may not miserably perish for want of succor and assistance." The regent of Savoy, who was the daughter of Henry IV., professed to be affected by this English charity, and announced for her Protestant subjects "a free pardon, and also such privileges and graces as cannot but give the Lord Protector a sufficient evidence of the *great respect borne both to his person and Mediation*."—(*Guizot's History of Cromwell*, Vol. ii. p. 211–19; *Milton's Prose Works*, Vol. vi. p. 318–37.) But there was still delay. Meanwhile Cromwell began to inquire where English troops might debark in the Prince's territories, and Mazarin, anxious to complete the yet unfinished Treaty with

England, joined in requiring an immediate pacification in the valleys and the restoration of these persecuted people to their ancient liberties. It was done. Such is the grandest Intervention of English history, inspired by Milton, enforced by Cromwell, and sustained by Louis XIV., with his Cardinal minister by his side, while foreign nations watched the scene.

But this great instance, constituting an inseparable part of the glory of the Protector, is not the last occasion on which England intervened in behalf of the liberties of Protestants. Troubles began in France with the revocation of the edict of Nantes; but these broke forth in the rebellion of the Camisards, smarting under the revocation. Sheltered by the mountains of the Cévennes, and nerved by their good cause, with the device, "Liberty of Conscience" on their standards, they made head against two successive Marshals of France, and perplexed the old age of Louis XIV., whose arms were already enfeebled by foreign war. At last, through the Mediation of England, the great monarch made terms with his Protestant rebels, and the civil war was ended. (*Merlin*, article, *Ministre*.)

Intervention, more often armed than unarmed, showed itself in the middle of the last century. All decency was set aside when Frederick of Prussia, Catharine of Russia, and Maria Theresa of Austria, invaded and partitioned Poland, under the pretext of suppressing anarchy. Here was Intervention with a vengeance, and on the side of arbitrary power. But such is human inconsistency, there was almost at the same time, another Intervention in the opposite direction. It was the Armed Intervention of France, followed by that of Spain and Holland, in behalf of American Independence. But Spain began Intervention here by an offer of Mediation, with a truce, which was accepted by France on condition that meanwhile the United States should be independent *in fact*. (*Martens Nouvelles Causes Celebres*, Vol. i. p. 434.) Then came, in 1788, the Armed Intervention of Prussia, to sustain an illiberal faction in Holland, which was followed afterwards by the compact between Great Britain, Prussia, and Holland, known as the Triple Alliance, which began the business of its copartnership by an Armed Intervention to reconcile the insurgent provinces of Belgium to the German Emperor and their ancient Constitution. As France began to be shaken by domestic troubles, Mediation in her affairs was occasionally proposed. Among the papers of Burke is a draft of a Memorial written in 1791, in the name of the Government, offering what he calls "this healing mediation." Then came the vast coalition for Armed Intervention in France to put down the Republic. But even this dreary cloud was for a moment brightened by a British attempt in Parliament, through successive debates, to institute an Intercession for Lafayette, immured in the dungeons of European despotism. "It is reported," said one of the orators, "that America has solicited

the liberation of her unfortunate adopted fellow-citizen. Let British magnanimity be called in aid of American gratitude, and exhibit to mankind a noble proof, that wherever the principles of genuine liberty prevail, *they never fail to inspire sentiments of generosity, feelings of humanity, and a detestation of oppression.*" (Parliamentary History, Vol. xxxi. p. 38; Vol. xxxii. p. 1348.)

Meanwhile France, against which all Europe intervened, played her part of Intervention, and the scene was Switzerland. In the unhappy disputes between the aristocratic and democratic parties, by which this Republic had been distracted, French Mediation had already become chronic, beginning in 1738, when it found a partial apology in the invitation of several of the Cantons and of the government of Geneva; occurring again in 1768, and again in 1782. The mountain Republic, breathing the air of Freedom, was naturally moved by the convulsions of the French Revolution. Civil war ensued, and grew in bitterness. At last, when France herself was composed under the powerful arm of the First Consul, we find him turning to compose the troubles of Switzerland. He was a military ruler, and always acted under the instincts of military power. By an address, dated at the palace of St. Cloud, Bonaparte declared that, already for three years the Swiss had been slaying each other, and that, if left to themselves, they would continue to slay each other for three years more, without coming to any understanding; that, at first, he had resolved not to interfere in their affairs, but that he now changed his mind, and announced himself as the Mediator of their difficulties, proclaiming, confidently, that his Mediation would be efficacious as became the great people in whose name he spoke. (*Garden Histoire des Traités de Paix*, Vol. viii. p. 21.) Deputies from the Cantons, together with all the chief citizens, were summoned to Paris, in order to declare the means of restoring the union, securing peace and reconciling all parties. Of course, this was *Armed Mediation*; but Switzerland was weak and France was strong, while the declared object was union, peace and reconciliation. I know not if all this was accomplished, but the civil war was stifled, and the constitution was established by what is entitled in history, the Act of Mediation.

From that period down to the present moment, Intervention in the internal affairs of other nations has been a prevailing practice, now cautiously and peaceably; now offensively and forcibly. Sometimes it was against the rights of men; sometimes it was in their favor. Sometimes England and France stood aloof; sometimes they took part. The Congress of Vienna, which undertook to settle the map of Europe, organized a universal and perpetual Intervention in the interest of monarchical institutions and existing dynasties. This compact was renewed at the Congress of Aix la Chapelle, in 1818, with the explanatory declaration that the five great Powers would never assume jurisdiction over ques-

tions concerning the rights and interests of another Power, *except at its request* and without inviting such Power to take part in the conference. But this concession was obviously adverse to any liberal movement. Meanwhile the Holy Alliance was formed specially to watch and control the revolutionary tendencies of the age; but into this combination England, to her honor, declined to enter. The other Powers were sufficiently active. Austria, Russia and Prussia, did not hesitate at the Congress of Laybach, in 1840, to institute an Armed Intervention for the suppression of liberal principles in Naples; and again two years later, at the Congress of Verona, these same Powers, together with France, instituted another Armed Intervention to suppress liberal principles in Spain, which ultimately led to the invasion of that kingdom and the overthrow of its constitution. France was the belligerent agent, and would not be turned aside, although the Duke of Wellington at Verona and Mr. Canning at home, sought to arrest her armies by the Mediation of Great Britain, which Mediation was directly sought by Spain and directly refused by France. The British Government, in admirable letters, composed with unsurpassed skill and constituting a noble page of International Law, disclaimed for itself and denied to other Powers the right to require changes in the internal institutions of Independent States, *with the menace of hostile attack in case of refusal*; and it bravely declared to the Imperial and Royal Interventionists, that "so long as the struggles and disturbances of Spain should be confined within the circle of her own territory, they could not be admitted by the British Government to afford any plea for foreign interference," and in still another note it repeated that "a *menace of direct and imminent danger could alone, in exception to the general rule, justify foreign interference.*" (Phillimore's International Law, Vol. iii. pp. 757-66.) These were the words of Mr. Canning; but even Lord Castlereagh, in an earlier note, had asserted the same limitation, which at a later day had the unqualified support of Lord Grey and also of Lord Aberdeen. Justly interpreted they leave no apology for Armed Intervention except in a case of direct and imminent danger, when a nation, like an individual, may be thrown upon the great right of self-defence.

But Great Britain bore testimony by what she did, as well as by what she refused to do. Even while resisting the Armed Intervention of the great conspiracy, her Government intervened sometimes by Mediation and sometimes by arms. Early in the contest between Spain and her Colonies, she consented on the invitation of Spain to act as Mediator, in the hope of effecting a reconciliation; but Spain declined the Mediation which she had invited. From 1812 to 1823 Great Britain constantly repeated her offer. In the case of Portugal she went further. Under the counsels of Mr. Canning, whose speech on the occasion was of the most

memorable character, she intervened by landing troops at Lisbon ; but this Intervention was vindicated by the obligations of treaty. Next came the greater instance of Greece, when the Christian Powers of Europe intervened to arrest a protracted struggle and to save this classic land from Turkish tyranny. Here the first step was a *pressing invitation from the Greeks* to the British and French governments for their Mediation with the Ottoman Porte. These Powers together with Russia proffered the much desired Intervention, which the Greeks at once accepted and the Turks rejected. Battle had already raged fiercely, accompanied by barbarous massacre. Without delay, the Allied forces were directed to compel the cessation of hostilities, which was accomplished by the destruction of the Turkish fleet at Navarino and the occupation of the Morca by French troops. At last, under the continued Mediation of these Powers, the independence of Greece was recognized by the Ottoman Porte, and another Free State, consecrated to Freedom, took its place in the Family of Nations, But Mediation in Turkish affairs did not stop here. The example of Greece was followed by Egypt, whose provincial chief Mehemet Ali rebelled, and, by a genius for war, succeeded in dispossessing the Ottoman Porte not only of Egypt, but of other possessions also. This civil war was first arrested by temporary arrangement at Kutayah in 1833, under the Mediation of Great Britain and France, and, finally ended by an Armed Mediation in 1840, when, after elaborate and irritating discussions, which threatened to involve Europe, a Treaty was concluded at London between Great Britain, Russia, Austria and Prussia, by which the Pacha was compelled to relinquish some of his conquests, while he was secured in the government of Egypt, as a perpetual vassal of the Porte. France dissatisfied with the terms of this adjustment stood aloof from the Treaty, which found its apology, such as it had, first, in the invitation of the Sultan and secondly, in the desire to preserve the integrity of the Turkish empire as essential to the balance of power and the peace of Europe ; to which reasons may also be added the desire to stop the effusion of blood.

Even before the Eastern questions were settled, other complications had commenced in Western Europe. Belgium, restless from the French Revolution of 1830, rose against the House of Orange and claimed her Independence. Civil war ensued ; but the Great Powers promptly intervened, even to the extent of arresting a Dutch army on its march. Beginning with an armistice, there was a long and fine-spun negotiation, which, assuming the guise alternately of a pacific Mediation and of an Armed Intervention, ended at last in the established separation of Belgium from Holland, and its Recognition as an Independent Nation. Do you ask why Great Britain intervened on this occasion ? Lord John Russell, in the course of debate at a subsequent day, declared that a special motive was " the establishment of a free constitu-

tion.” (Hansard’s Parliamentary Debates, 3d series, Vol. xciii. p. 417–66—House of Commons, July 11, 1847.) Meanwhile the peninsula of Spain and Portugal was torn by civil war. The regents of these two kingdoms respectively appealed to Great Britain and France for aid, especially in the expulsion of the pretender Don Carlos from Spain, and the pretender Don Miguel from Portugal. For this purpose the Quadruple Alliance of these Powers was formed in 1834. The moral support derived from this Treaty is said to have been important; but Great Britain was compelled to provide troops. This Intervention, however, was *at the solicitation of the actual governments*. Even after the Spanish troubles were settled the war still lingered in the sister kingdom, when in 1847, the Queen appealed to Great Britain, the ancient patron of Portugal, to mediate between herself and her insurgent subjects, and the task was accepted, in the declared hope of composing the difficulties in a just and permanent manner “with all due regard to the dignity of the Crown on the one hand and the Constitutional liberties of the Nation on the other.” The insurgents did not submit until after military demonstrations. But peace and liberty were the two watchwords here.

Then occurred the European uprising of 1848. France was once more a Republic; but Europe wiser grown did not interfere in her affairs, even so much as to write a letter. But the case was different with Hungary, whose victorious armies, radiant with liberty regained, expelled the Austrian power only to be arrested by the Armed Intervention of the Russian Czar, who yielded to the double pressure of an invitation from Austria and a fear that successful insurrection might extend into Poland. It was left for France at the same time in another country, with a strange inconsistency, to play the part which Russia had played in Hungary. Rome, which had risen against the temporal power of the Pope, and proclaimed the Republic, was occupied by a French army, which expelled the republican magistrates, and, though fifteen years have already passed since that unhappy act, the occupation still continues. From this military Intervention Great Britain stood aloof. In a despatch, dated at London January 28, 1849, Lord Palmerston has made a permanent record to the honor of his country. His words are as follows: “Her Majesty’s Government would upon every account, and not only upon abstract principle, but with reference to the general interests of Europe, and from the value which they attach to the maintenance of peace, *sincerely deprecate any attempt to settle the differences between the Pope and his subjects by the military interference of foreign Powers.*” (Phillimore, International Law, Vol. ii. p. 676.) But he gave further point to the whole position of Great Britain, in contrast with France, when he said, “Armed Intervention to assist in retaining a bad government would be unjustifiable.” (Ibid, 448.) Such was the declaration of the Lord Palmerston of that day. But

how much more unjustifiable must be assistance *to found* a bad government, as is now proposed. The British Minister insisted that the differences should be accommodated by "the diplomatic interposition of friendly Powers," which he declared a much better mode of settlement than an authoritative imposition of terms by foreign arms. In harmony with this policy Great Britain during this same year united with France in proffering Mediation between the insurgent Sicilians and the King of Naples, the notorious Bomba, in the hope of helping the cause of good government and liberal principles. Not disheartened by rebuff, these two governments in 1856 united in a friendly remonstrance to the same tyrannical sovereign against the harsh system of political arrests which he maintained, and against his cruelty to good citizens thrust without any trial into the worst of prisons. The advice was indignantly rejected, and the two governments that gave it at once withdrew their Ministers from Naples. The sympathy of Russia was on the wrong side, and Prince Gortschakoff, while admitting that "as a consequence of friendly forethought, one government might give advice to another," declared in a circular that "to endeavor by threats or a menacing demonstration, to obtain from the King of Naples concessions in the internal affairs of his government, is a violent usurpation of his authority, and an open declaration of the strong over the weak." This was practically answered by Lord Clarendon, speaking for Great Britain at the Congress of Paris, when, admitting the principle that no government has the right to intervene in the internal affairs of other nations, he declared that there were cases where an exception to this rule becomes equally a right and a duty; that peace must not be broken, but that there was no peace without justice, and that, therefore, the Congress must let the King of Naples know its desire for an amelioration of his system of government, and must demand of him an amnesty for political offenders suffering without a trial. This language was bold beyond the practice of diplomacy; but the Intervention which it proposed was on the side of humanity.

But I must draw this part of the discussion to a close, although the long list of instances is not yet exhausted. Even while I speak, we hear of Intervention by England and France, in the civil war between the Emperor of China and his subjects; and also in that other war between the Emperor of Russia on the one side and the Poles whom he claims as subjects on the other side; but with this difference, that, in China these Powers have taken the part of the existing government, while in Poland they have intervened against the existing government. In the face of positive declarations of neutrality the British and French Admirals have united their forces with the Chinese; but thus far in Poland although there has been no declaration of neutrality, the Intervention has been unarmed. In both these instances we witness

the same tendency, directed, it may be, by the interests or prejudices of the time, and so far as it has yet proceeded, it is at least in Poland on the side of liberal institutions. But alas! for human consistency—the French Emperor is now intervening in Mexico with armies and navies, to build a throne for an Austrian Archduke.

British Intervention against Slavery.

But there is one long-continued Intervention by Great Britain, which speaks now with controlling power; and it is on this account that I have reserved it for the close of what I have to say on this head. Though not without original shades of dark, it has for more than half a century been a shining example to the civilized world. I refer to that *Intervention against Slavery*, which from its first adoption has been so constant and brilliant as to make us forget the earlier *Intervention for Slavery*, when, for instance, Great Britain at the peace of Utrecht intervened to extort the detestable privilege of supplying slaves to Spanish America at the rate of 4,800 yearly for the space of thirty years, and then again at the peace of Aix la Chapelle higgled for a yet longer sanction to this ignoble Intervention; nay it almost makes us forget the kindred Intervention, at once most sordid and criminal, by which this Power counteracted all efforts for the prohibition of the slave-trade even in its own colonies, and thus helped to fasten Slavery upon Virginia and Carolina. The abolition of the slave-trade by act of Parliament in 1807 was the signal for a change of history.

But curiously, it was the whites who gained the first fruits of this change by a triumphant Intervention for the suppression of Christian Slavery in the Barbary States. The old hero of Acre, Sir Sidney Smith, released from his long imprisonment in France, sought to organize a “holy league” for this Intervention; the subject was discussed at the Congress of Vienna; and the agents of Spain and Portugal, anxious for the punishment of their piratical neighbors argued that, because Great Britain had abolished for itself the traffic in African slaves, therefore it must see that whites were no longer enslaved in the Barbary States. The argument was less logical than humane. But Great Britain undertook the work. With a fleet complete at all points, consisting of five line-of-battle ships, five heavy frigates, four bomb-vessels, and five gun-brigs, Lord Exmouth approached Algiers, where he was joined by a considerable Dutch fleet, anxious to take part in this Intervention. “If force must be resorted to” said the Admiral in his General Orders, “we have the consolation of knowing that we fight in the sacred cause of humanity and cannot fail of success.” A single day was enough—with such a force in such a cause. The formidable castles of the great Slave-monger were

battered to pieces, and he was compelled to sign a Treaty, confirmed under a salute of twenty-one guns, which in its first article stipulated "The Abolition of Christian Slavery forever." Glorious and beneficent Intervention!—Not inferior to that renowned instance of antiquity, where the Carthaginians were required to abolish the practice of sacrificing their own children; a Treaty which has been called the noblest of history, because it was stipulated in favor of human nature. The Admiral, who had thus triumphed, was hailed as an Emancipator. He received a new rank in the peerage, and a new blazonry on his coat of arms. The rank is of course continued in his family, and on their shield, in perpetual memory of this great transaction, is still borne *a Christian slave holding aloft the cross and dropping his broken fetters*. But the personal satisfactions of the Admiral were more than rank or heraldry. In his despatch to the Government, describing the battle and written at the time, he says: "To have been one of the humble instruments in the hands of Divine Providence for bringing to reason a ferocious government and destroying forever the insufferable and horrid system of Christian Slavery, can never cease to be a source of delight and heartfelt comfort to every individual happy enough to be employed in it." (Osler's Life of Exmouth, pp. 297, 334, 432.)

But I have said too much with regard to an instance, which, though beautiful and important, may be regarded only as a parenthesis in the grander and more extensive Intervention against African Slavery, which was already organizing, destined at last to embrace the whole Human Family. Even before Wilberforce triumphed in Parliament, Great Britain intervened with Napoleon, in 1806, to induce him to join in the abolition of the slave-trade; but he flatly refused. What France would not then yield, was extorted from Portugal in 1810; from Sweden shortly afterwards; and from Denmark in 1814. An ineffectual attempt was made to enlist Spain, even by the temptation of pecuniary subsidies; and also to enlist the restored monarch of France, Louis XVIII. even by the offer of a sum of money outright or the cession of a West India Island, in consideration of the desired abolition. Had gratitude to a benefactor prevailed, these Powers could not have resisted; but it was confessed by Lord Castlereagh, in the House of Commons, that there was a distrust of the British Government "even among the better classes of people," who thought that its zeal in this behalf was prompted by a desire to injure the French Colonies and commerce, rather than by benevolence. But he was more successful with Portugal, which Power was induced, by pecuniary equivalents, to execute a Supplementary Treaty in January, 1815. This was followed by the declaration of the Congress of Vienna, on motion of Lord Castlereagh, 15th February, 1815, denouncing the African slave-trade "as inconsistent with the principles of humanity and universal benev-

olence." Meanwhile Napoleon returned from Elba, and what the British Intervention failed to accomplish with the Bourbon Monarch, and what the Emperor had once flatly refused, was now spontaneously done by him, doubtless in the hope of conciliating British sentiment. His hundred days of power were signalized by an ordinance abolishing the slave-trade in France and her colonies. Louis XVIII. once again restored by British arms and with the shadow of Waterloo upon France, could not do less than ratify this imperial ordinance by a royal assurance that "the traffic was henceforth forever forbidden to all the subjects of his most Christian Majesty." Holland came under the same influence and accepted the restitution of her colonies, except the Cape of Good Hope and Guiana, on condition of the entire abolition of the slave-trade in the restored colonies and also everywhere else beneath her flag. Spain was the most indocile; but this proud monarchy, under whose auspices the African slave-trade first came into being, at last yielded. By the Treaty of Madrid, of 22d September, 1817, extorted by Great Britain, it stipulated the immediate abolition of the trade north of the Equator, and also, after 1820, its abolition everywhere, in consideration of £400,000, the price of Freedom, to be paid by the other contracting party. In vindication of this Intervention, Wilberforce declared in Parliament that, "the grant to Spain would be more than repaid to Great Britain in commercial advantages by the opening of a great continent to British industry,"—all of which was impossible if the slave-trade was allowed to continue under the Spanish flag.

At the Congress of Aix la Chapelle in 1818, and of Verona in 1822, Great Britain continued her system of Intervention against Slavery. Her primacy in this cause was recognized by European Powers. It was the common remark of continental publicists that she "made the cause her own." (1 Phillimore International Law, 330.) One of them portrays her vividly "since 1810 waging incessant war against the principle of the slave-trade, and by this crusade, undertaken in the name of Humanity, making herself the declared protectress of the African race." (*Cussy, Causes Celebres de Droit Maritime*, Vol. i. p. 157, Vol. ii. pp. 362, 63.) These are the words of a French authority. According to him, it is nothing less than "an incessant war" and a "crusade," which she has waged and the position which she has achieved is that of "Protectress of the African race." In this character she has not been content with imposing her magnanimous system upon the civilized world, but she has carried it among the tribes and chiefs of Africa, who by this omnipresent Intervention, were summoned to renounce a barbarous and criminal custom. By a Parliamentary Report, it appears that in 1850, there were twenty-four treaties in force, between Great Britain and foreign civilized Powers, for the suppression of the

slave-trade, and also forty-two similar treaties between Great Britain and native chiefs of Africa.

But this Intervention was not only by treaties; it was also by correspondence and circulars. And here I approach a part of the subject which illustrates the vivacity of this Intervention. All British ministers and consuls were so many pickets on constant guard in the out-posts where they resided. They were held to every service by which the cause could be promoted, even to translating and printing documents against the slave-trade, especially in countries where unhappily it was still pursued. There was the Pope's Bull of 1839, which Lord Palmerston did not hesitate to transmit for this purpose to his agents in Cuba, Brazil, and even in Turkey, some of whom were unsuccessful in their efforts to obtain its publication, although, curiously enough, it was published in Turkey. (*Parliamentary Papers*, 1841, Vol. xxx. *Slave Trade*, Class B, p. 34, 197, 223; Class C, p. 73, Class D, p. 15.)

Such a zeal could not stop at the abolition of the traffic—Accordingly Great Britain, by Act of Parliament in 1834 enfranchised all the slaves in her own possessions, and thus again secured to herself the primacy of a lofty cause. The Intervention was now openly declared to be against Slavery itself. But it assumed its most positive character while Lord Palmerston was Foreign Secretary, and I say this sincerely to his great honor. Throughout his long life, among all the various concerns in which he has acted, there is nothing which will be remembered hereafter with such gratitude. By his diplomacy her Majesty's Government constituted itself into a vast Abolition Society with the whole world for its field. It was in no respect behind the famous World's Convention against Slavery, held at London in June, 1840, with Thomas Clarkson, the pioneer Abolitionist, as President; for the strongest declarations of this Convention were adopted expressly by Lord Palmerston as "the sentiments of her Majesty's Government," and communicated officially to all British functionaries in foreign lands. The Convention declared "the utter injustice of Slavery in all its forms; and the evil it inflicted upon its miserable victims; and the necessity of employing every means, moral, pacific, and religious, for its complete abolition—an object most dear to the members of the Convention, and for the consummation of which they are especially assembled." These words became the words of the British Government, and, in circular letters, were sent over the world. (*Parliamentary Papers*, 1841, Vol. xxx. Class B, p. 33.)

But it was not enough to declare the true principles. They must be enforced. Spain and Portugal hung back. The Secretary of the Anti-Slavery Society was sent "to endeavor to create in these countries a public feeling in favor of the abolition of Slavery," and the British Minister at Lisbon was desired by Lord

Palmerston "to afford all the assistance and protection in his power for promoting the object of his journey." (*Ibid*, p. 128.) British officials in foreign countries sometimes back-slided. This was corrected by another circular addressed to all the four quarters of the globe, setting forth, "that it would be unfitting that any officer, holding an appointment under the British Government should, either directly or indirectly, hold or be interested in slave property." The Parliamentary Papers, which attest the universality of this instruction, show the completeness with which it was executed. The consul at Rio Janeiro, in slave-holding Brazil, had among his domestics three negro slaves, "one a groom and the other a waiter and a woman he was forced to hire as a nurse to his children;" but he discharged them at once under the Anti-Slavery discipline of the British Foreign office, and Lord Palmerston in a formal despatch "expresses his satisfaction." (*Ibid*, 1842, Vol. xlviii. Class B, p. 732.) In Cuba, at the time of the reception there was not a single resident officer holding under its British Crown "who was entirely free from the charge of countenancing Slavery." But only a few days afterwards, it was officially reported, that there was "not a single British officer residing there who had not relinquished or was not at least preparing to relinquish the odious practice." (*Ibid*, p. 206.) This was quick work. Thus was the practice according to the rule. Every person, holding an office under the British government, was constrained to set his face against Slavery, and *the way was by having nothing to do with it, even in employing or hiring the slave of another; nothing, directly or indirectly.*

But Lord Palmerston, acting in the name of the British Government, did not stop with changing British officials into practical Abolitionists whenever they were in foreign countries. He sought to enlist other European governments in the same policy, and to this end requested them to forbid all their functionaries, residing in slave-holding communities, to be interested in slave property or in any holding or hiring of slaves. Denmark for a moment hesitated, from an unwillingness to debar its officers in slave countries from acting according to the laws where they resided, when the minister at once cited in support of his request, the example of Belgium, Holland, Sweden, Naples and Portugal, all of which without delay had yielded to this British Intervention; and Denmark ranged herself in the list. (*Ibid*, p. 42. Vol. xlv. Class C, pp. 7-15.) Nor was this indefatigable Propaganda confined in its operations to the Christian Powers. With a sacred pertinacity it reached into distant Mohammedan regions, where Slavery was imbedded not only in the laws, but in the habits, the social system, and the very life of the people, and called upon the Government to act against it. No impediment stood in the way; no prejudice, national or religious. To the Schah of Persia, ruling a vast, outlying slave empire, Lord Pal-

merston announced the desire of the British Government "to see the condition of Slavery abolished in every part of the world;" "that it conceived much good might be accomplished even in Mohammedan countries by steady perseverance and by never omitting to take advantage of favorable opportunities," and "that the Schah would be doing a thing extremely acceptable to the British Government and nation if he would issue a decree making it penal for a Persian to purchase slaves." (*Ibid*, 1842, Vol. xlv. Class D, p. 70.) To the Sultan of Turkey, whose mother was a slave, whose wives were all slaves, and whose very counsellors, generals and admirals were originally slaves, he made a similar appeal, and he sought to win the dependent despot by reminding him that only in this way could he hope for that good will which was so essential to his government; "that the continued support of Great Britain will for some years to come be an object of importance to the Porte; *that this support cannot be given effectually unless the sentiments and opinions of the majority of the British nation shall be favorable to the Turkish Government, and that the whole of the British nation unanimously desire beyond almost any thing else to put an end to the practice of making slaves.*" (*Ibid*, 1841, Vol. xxx. Class D, pp. 15-18; also, *Ibid*, 1842, Vol. xlv. Class D, p. 73.) Such at that time was the voice of the British people. Since Cromwell pleaded for the Vaudois, no nobler voice had gone forth. The World's Convention against Slavery saw itself transfigured, while platform speeches were transfused into diplomatic notes. The Convention, earnest for Universal Emancipation, declared that "*the friendly interposition of Great Britain could be employed for no nobler purpose;*" and, as if to crown its work, in an address to Lord Palmerston, humbly and earnestly implored his lordship "to use his high authority for connecting the overthrow of slavery with the consolidation of peace;" and all these words were at once adopted in foreign despatches as expressing the sentiments of Her Majesty's Government. (*Ibid*, 1841, Vol. xxx. Class D, pp. 15, 16.) Better watch-words there could not be, nor any more worthy of the British name. *There can be no consolidation of peace without the overthrow of Slavery.* This is as true now as when first uttered. Therefore is Great Britain still bound to her original faith; nor can she abandon the cause of which she was the declared Protectress without the betrayal of Peace, as well as the betrayal of Liberty.

But even now while I speak this same conspicuous fidelity to a sacred cause is announced by the recent arrivals from Europe. The ship canal across the Isthmus of Suez, first attempted by the early Pharaohs, and at last undertaken by French influence under the auspices of the Pacha of Egypt, is most zealously opposed by Great Britain—for the declared reason, that in its construction "forced labor" is employed, which this Power cannot in con-

science sanction. Not even to complete this vast improvement, bringing the East and the West near together, for which mankind has waited throughout long centuries, will Great Britain depart from the rule which she has so gloriously declared. Slavery is wrong; therefore it cannot be employed. The canal must stop if it cannot be built without "forced labor."

General Principles applicable to Intervention.

And here I close the historic instances which illustrate the right and practice of Foreign Intervention. The whole subject will be seen in these instances, teaching clearly what to avoid and what to follow. In this way the Law of Nations, like history, gives its best lessons. But, for the sake of plainness, I now gather up some of the conclusions.

Foreign Intervention is *armed* or *unarmed*, although sometimes the two are not easily distinguishable. An unarmed Intervention may have in it the menace of arms, or it may be war in disguise. If this is the case, it must be treated accordingly.

Armed Intervention is war and nothing less. Of course it can be vindicated only as war, and it must be resisted as war. Believing as I do, most profoundly, that war can never be a game, but must always be a crime when it ceases to be a duty; a crime to be shunned if it be not a duty to be performed swiftly and surely; and that a nation, like an individual, is not permitted to take the sword, except in just self-defence—I find the same limitation in Armed Intervention, which becomes unjust invasion just in proportion as it departs from just self-defence. Under this head is naturally included all that Intervention which is moved by a tyrannical or intermeddling spirit, because such Intervention, whatever may be its professions, is essentially hostile; as when Russia, Prussia and Austria, partitioned Poland; when the Holy Alliance intermeddled everywhere, and menaced even America; or when Russia intervened to crush the independence of Hungary, or France to crush the Roman Republic. All such Intervention is illegal, inexcusable and scandalous. Its vindication can be found only in the effrontery that might makes right.

Unarmed Intervention is of a different character. If sincerely unarmed, it may be regarded as obtrusive, but not hostile. It may assume the form of *Mediation*, or the proffer of good offices, at the invitation of both parties, or, in the case of civil war, at the invitation of the original authority. With such invitation, this Intervention is proper and honorable. Without such invitation it is of doubtful character. But if known to be contrary to the desires of both parties, or to the desires of the original authority in a distracted country, it becomes offensive and inad-

missible, *unless obviously on the side of Human Rights*, when the act of Intervention takes its character from the cause in which it is made. But it must not be forgotten that, in the case of a civil war, any Mediation, or indeed, any proposition which does not enjoin submission to the original authority, is in its nature adverse to that authority, for it assumes to a certain extent the separate existence of the other party, and secures for it temporary immunity and opportunity, if not independence. Congress, therefore, was right in declaring to Foreign Powers, that any renewed effort of mediation in our affairs will be regarded as an unfriendly act.

There is another case of unarmed Intervention, which I cannot criticise. It is where a nation intercedes or interposes in favor of Human Rights, or to secure the overthrow of some enormous wrong, as where Cromwell pleaded, with noble intercession, for the secluded Protestants of the Alpine valleys; where Great Britain and France declared their sympathy with the Greeks struggling for Independence, and where Great Britain alone, by an untiring diplomacy, set herself against Slavery everywhere throughout the world.

The whole lesson on this head may be summed up briefly. All Intervention in the internal affairs of another nation is contrary to law and reason, and can be vindicated only by overruling necessity. If you intervene by war, then must there be the necessity of self-defence. If you intervene by Mediation or Intercession, then must you be able to speak in behalf of civilization endangered or human nature insulted. But there is no Power which is bound to this humane policy so absolutely as England; especially is there none which is so fixed beyond the possibility of retreat or change in its opposition to Slavery, whatever shape it may assume—whether it be the animating principle of a nation—the “forced labor” of a multitude—or even the service of a solitary domestic.

[III.]

✓ INTERVENTION BY RECOGNITION.

There is a species of Foreign Intervention, which stands by itself, and has its own illustrations. Therefore, I speak of it by itself. It is where a Foreign Power undertakes to acknowledge the independence of a colony or province which has renounced its original allegiance, and it may be compendiously called *Intervention by Recognition*. Recognition alone is strictly applicable to the act of the original government, renouncing all claim of allegiance and at last acknowledging the Independence which has been in dispute. But it is an act of Intervention only where a Foreign Government steps between the two parties. Of course, the original government is so far master of its position, that it may

select its own time in making this Recognition. But the question arises at what time and under what circumstances can this Recognition be made by a Foreign Power. It is obvious that a Recognition proper at one time and under special circumstances would not be proper at another and under different circumstances. Mr. Canning said with reference to Spanish America, that "if he piqued himself upon any thing it was upon the subject of *time*," and he added that there were two ways of proceeding, "one went recklessly and with a hurried course to the object, which, though soon reached, might be almost as soon lost, and the other was by a course so strictly guarded that no principle was violated and no offence given to other Powers." (Hausard's Parliamentary Debates, 2d Series, Vol. xii. p. 7, 8.) These are words of wise statesmanship, and they present the practical question which must occur in every case of Recognition. What condition of the controversy will justify this Intervention?

And here again the whole matter can be best explained by historic instances. The earliest case is that of Switzerland which led the way, as long ago as 1307, by breaking off from the House of Hapsburg, whose original cradle was in a Swiss Canton. But Austria did not acknowledge the Independence of the Republic until the peace of Westphalia, more than three centuries and a half after the struggle began under William Tell. Meanwhile the Cantons had lived through the vicissitudes of war foreign and domestic, and had formed treaties with other Powers, including the Pope. Before Swiss Independence was acknowledged, the Dutch conflict began under William of Orange. Smarting under intolerable grievances and with a price set upon the head of their illustrious Stadholder, the United Provinces of the Netherlands in 1572 renounced the tyrannical sovereignty of Philip II., and declared themselves independent. In the history of Freedom this is an important epoch. They were Protestants, battling for rights denied, and Queen Elizabeth of England, who was the head of Protestantism, acknowledged their Independence and shortly afterwards gave to it military aid. The contest continued, sustained on the side of Spain by the genius of Parma and Spinola, and on the side of the infant Republic by the youthful talent of Maurice, son of the great Stadholder; nor did Foreign Powers stand aloof. In 1594, Scotland, which was Protestant also, under James VI., afterwards the first James of England, treated with the insurgent Provinces as successors of the Houses of Burgundy and Austria, and in 1596 France also entered into alliance with them. But the claims of Spain seemed undying; for it was not until the peace of Westphalia, nearly eighty years after the revolt, and nearly seventy years after the Declaration of Independence, that this Power consented to the Recognition of Dutch Independence. Nor does this example stand alone even at that early day. Portugal in 1640 also broke away from Spain and declared herself

independent, under the Duke of Braganza as King. A year had scarcely passed when Charles I. of England negotiated a treaty with the new sovereign. The contest had already ceased but not the claim: for it was only after twenty-six years that Spain made this other Recognition.

Traversing the Atlantic Ocean in space and more than a century in time, I come to the next historic instance which is so interesting to us all, while as a precedent it dominates the whole question. The long discord between the colonies and the mother country broke forth in blood on the 19th April, 1775. Independence was declared on the 4th July, 1776. Battles ensued: Trenton, Princeton, Brandywine, Saratoga, followed by the winter of Valley Forge. The contest was yet undecided, when on the 6th February, 1778, France entered into a Treaty of Amity and Commerce with the United States, containing, among other things, a Recognition of their Independence, with mutual stipulations between the two parties to protect the commerce of the other, by convoy on the ocean, "against all attacks, force and violence:" (*Statutes at Large*, Vol. viii. p. 16.) and this Treaty on the 15th March was communicated to the British Government by the French Ambassador at London, with a diplomatic note in which the United States are described as "in full possession of the Independence pronounced by the Act of 4th July, 1776," and the British Government is warned that the King of France, "in order to protect effectively the legitimate commerce of his subjects and to sustain the honor of his flag, has taken further measures with the United States."—(*Martens Nouvelles Causes Celebres*, Vol. i. p. 406.) A further Treaty of Alliance, whose declared object was the maintenance of the Independence of the United States, had been signed on the same day: but this was not communicated; nor is there any evidence that it was known to the British Government at the time. The communication of the other was enough; for it was in itself an open Recognition of the new Power, with a promise of protection to its commerce on the ocean, *while the war was yet flagrant between the two parties*. As such it must be regarded as an Armed Recognition, constituting in itself a belligerent act—aggravated and explained by the circumstances under which it was made—the warning, in the nature of a menace, by which it was accompanied—the clandestine preparations by which it was preceded—and the corsairs to cruise against British commerce, which for some time had been allowed to swarm under the American flag from French ports. It was so accepted by the British Government. The British Minister was summarily withdrawn from Paris: all French vessels in British harbors were seized, and on the 17th March a message from the king was brought down to Parliament, which was in the nature of a declaration of war against France. In this declaration there was no allusion to any thing but the Treaty of Amity and Com-

merce, officially communicated by the French Ambassador, which was denounced by his majesty as an "unprovoked and unjust aggression on the honor of his crown and the essential interests of his kingdoms, *contrary to the law of nations, and injurious to the rights of every Foreign Power in Europe.*" Only three days later, on the 21st March, the Commissioners of the United States were received by the King of France, in solemn audience, with all the pomp and ceremony accorded by the Court of Versailles to the representatives of Sovereign Powers. War ensued between France and Great Britain on land and sea, in which Holland and Spain afterwards took part against Great Britain. With such allies a just cause prevailed. Great Britain by Provisional Articles, signed at Paris 30th November, 1782, acknowledged the United States "to be free, sovereign and independent," and declared the boundaries thereof.

The success of colonial Independence was contagious, and the contest for it presented another historic instance more discussed and constituting a precedent, if possible, more interesting still. This was when the Spanish Colonies in America, following the northern example, broke away from the mother country and declared themselves independent. The contest began as early as 1810; but it was long continued and extended over an immense region—from New Mexico and California in the North to Cape Horn in the South—washed by two vast oceans—traversed by mighty rivers and divided by lofty mountains—fruitful in silver—capped with snow and shooting with volcanic fire. At last the United States satisfied that the ancient power of Spain had practically ceased to exist, beyond a reasonable chance of restoration, and that the contest was ended, acknowledged the Independence of Mexico and five other provinces. But this act was approached only after frequent debate in Congress, where Henry Clay took an eminent part, and after most careful consideration in the cabinet, where John Quincy Adams, as Secretary of State, shed upon the question all the light of his unsurpassed knowledge, derived from long practice, as well as from laborious study, of International Law. The judgment on this occasion must be regarded as an authority. President Munroe in a Special Message, on the 8th March, 1822—twelve years after the war began—called the attention of Congress to the state of the contest which he said "had now reached such a stage and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete." After setting forth the *de facto* condition of things, he proceeded; "Thus it is manifest that all these provinces are not only in the full enjoyment of their independence, but, *considering the state of the war and other circumstances, that there is not the*

most remote prospect of their being deprived of it." In proposing their Recognition the President declared that it was done "under a thorough conviction that it is in strict accord with the law of nations," and further that "it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties." In accordance with this recommendation Congress authorized the Recognition. Two years later, the same thing was done by Great Britain, after much debate diplomatic and parliamentary. No case of International duty has been illustrated by a clearer eloquence, an ampler knowledge or a purer wisdom. The despatches were written by Mr. Canning, and upheld by him in Parliament; but Lord Liverpool took part in the discussion—succinctly declaring, that there could be no right to Recognition "while the contest was actually going on," a conclusion which was cautiously but strongly enforced by Lord Lansdowne and nobly vindicated in an Oration, reviewing the whole subject, by that great publicist Sir James Mackintosh. (*Mackintosh's Works* Vol. iii. p. 438.) All inclined to Recognition but admitted that it could not take place *so long as the contest continued*; and that there must be "such a contest as exhibits some equality of force, so that if the combatants were left to themselves, the issue would be in some degree doubtful." But the Spanish strength throughout the whole continent was reduced to a single castle in Mexico, an island on the coast of Chili, and a small army in Upper Peru, while in Buenos Ayres no Spanish soldier had set foot for fourteen years. "Is this a contest" said Mackintosh "approaching to equality? Is it sufficient to render the independence of such a country doubtful? Does it deserve the name of a contest?" It was not until 1825 that Great Britain was so far satisfied as to acknowledge this Independence. France followed in 1830; and Castilian pride relented in 1832, twenty-two years from the first date of the contest.

The next instance is that of Greece, which declared itself Independent January 27, 1822. After a contest of more than five years, with alternate success and disaster, the Great Powers intervened forcibly in 1827; but the final Recognition was postponed till May 1832. Then came the instance of Belgium, which declared itself Independent in October, 1830, and was promptly recognized by the Great Powers who intervened forcibly for this purpose. The last instance is Texas, which declared its Independence in December, 1835, and defeated the Mexican Army under Santa Anna, making him prisoner, in 1836. The power of Mexico seemed to be overthrown, but Andrew Jackson, who was then President of the United States, in his Message of December 21, 1836, laid down the rule of caution and justice on such an occasion, as follows; "The acknowledgment of a new State as independent and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more

especially so when such state has forcibly separated itself from another, of which it had formed an integral part and which still claims dominion over it. *A premature recognition* under these circumstances, *if not looked upon as justifiable cause of war*, is always liable to be regarded as a proof of an unfriendly spirit." And he concluded by proposing that our country should "keep aloof" until the question was decided "beyond cavil or dispute." During the next year—when the contest had practically ceased and only the claim remained—this new Power was acknowledged by the United States, who were followed in 1840 by Great Britain, France and Belgium. Texas was annexed to the United States in 1845, but at this time Mexico had not joined in the general recognition.

✓ *Principles Applicable to Recognition.*

Such are the historic instances which illustrate Intervention by Recognition. As in other cases of Intervention, the Recognition may be *armed* or *unarmed*, with an intermediate case, where the Recognition may seem to be unarmed when in reality it is armed, as when France simply announced its Recognition of the Independence of the United States, and at the same time prepared to maintain it by war.

Armed Recognition is simply *Recognition by Coercion*. It is a belligerent act constituting war, and it can be vindicated only as war. No nation will undertake it, unless ready to assume all the responsibilities of war, as in the recent cases of Greece and Belgium, not to mention the Recognition of the United States by France. But an attempt, under the guise of Recognition, to coerce the dismemberment or partition of a country is in its nature offensive beyond ordinary war; especially when the country to be sacrificed is a Republic and the plotters against it are crowned heads. Proceeding from the consciousness of brutal power, such an attempt is an insult to mankind. If *Armed Recognition* at any time can find apology, it will be only *where it is sincerely made for the protection of Human Rights*. It would be hard to condemn that Intervention which saved Greece to Freedom.

Unarmed Recognition is where a Foreign Power acknowledges in some pacific form the Independence of a colony or province against the claim of its original Government. Although excluding all idea of *coercion*, yet it cannot be uniformly justified.

No Recognition where the Contest is still pending.

And here we are brought to that question of "time," on which Mr. Canning so pointedly piqued himself, and to which President Jackson referred, when he suggested that "a premature Recognition" might be "looked upon as justifiable cause of war."

Nothing is more clear than that Recognition may be favored at one time, while it must be rejected at another. So far as it assumes to ascertain Rights instead of Facts, or to anticipate the result of a contest, it is wrongful. No Nation can undertake to sit in judgment on the rights of another Nation without its consent. Therefore, it cannot declare that *de jure* a colony or province is *entitled* to Independence; but from the necessity of the case and that international intercourse may not fail, it may ascertain the facts, carefully and wisely, and, on the actual evidence, it may declare that *de facto* the colony or province appears to be in possession of Independence, which means, first, that the original Government is dispossessed beyond the possibility of recovery, and secondly, that the new Government has achieved that reasonable stability with fixed limits which gives assurance of a solid Power. All of this is simply fact and nothing more. But just in proportion as a Foreign Nation anticipates the fact, or imagines the fact, or substitutes its own passions for the fact, it transcends the well-defined bounds of International Law. Without the fact of Independence, positive and fixed, there is nothing but a claim. Now nothing can be clearer than that while the terrible litigation is still pending and the Trial by Battle, to which appeal has been made, is yet undecided, *the fact of Independence cannot exist*. There is only a paper Independence, which though reddened with blood, is no better than a paper empire or a paper blockade, and any pretended Recognition of it is a wrongful Intervention, inconsistent with a just neutrality, since the obvious effect must be to encourage the insurgent party. Such has been the declared judgment of our country and its practice, even under circumstances tempting in another direction, and such also was the declared judgment and practice of Great Britain with reference to Spanish America.

The conclusion, then, is clear. In order to justify a Recognition it must appear beyond doubt that *de facto* the contest is finished, and that *de facto* the new government is established secure within fixed limits. *These are conditions precedent* which cannot be avoided, without an open offence to a friendly Power, and an open violation of that International Law which is the guardian of the peace of the world. It will be for us shortly to inquire if there be not *another condition precedent*, which civilization in this age will require.

Do you ask now if Foreign Powers can acknowledge our Slave-monger embryo as an Independent Nation? There is madness in the thought. A Recognition, accompanied by the breaking of the blockade would be war—impious war—against the United States, where Slave-mongers would be the allies and Slavery the inspiration. Of all wars in history none more accursed; none more sure to draw down upon its authors the judgment alike of God and man. But the thought of Recognition—under existing cir-

cumstances—while the contest is still pending—even without any breaking of the blockade or attempted coercion, is a Satanic absurdity, hardly less impious than the other. Of course, it would unblushingly assume that, *in fact*, the Slave-mongers had already succeeded in establishing an Independent Nation with an untroubled government, and a secure conformation of territory—when *in fact*, nothing is established—nothing is untroubled—nothing is secure,—not even a single boundary line; and there is no element of Independence except the audacious attempt; when, in fact, the conflict is still waged on numerous battle-fields, and these pretenders to Independence have been driven from State to State—driven away from the Mississippi, which parts them—driven back from the sea which surrounds them—and shut up in the interior or in blockaded ports, so that only by stealth can they communicate with the outward world. Any Recognition of such a pretension, existing only as a pretension, scouted and denied by a whole people with invincible armies and navies embattled against it, would be a flaming mockery of Truth. It would assert Independence as *a fact* when notoriously it was not *a fact*. It would be an enormous lie. Naturally a Power thus guilty would expect to support the lie by arms.

[IV.]

IMPOSSIBILITY OF ANY RECOGNITION OF REBEL SLAVE-MONGERS WITH SLAVERY AS A CORNER-STONE.

But I do not content myself with a single objection to this outrageous consummation. There is another of a different nature. Assuming, for the moment, what I am glad to believe can never happen, that the *new* Slave Power has become Independent *in fact*, while the national flag has sunk away exhausted in the contest, there is an objection which, in an age of Christian light, thank God! cannot be overcome—unless the Great Powers which, by solemn covenants, have branded Slavery, shall forget their vows, while England, the declared protectress of the African race, and France, the declared champion of “ideas,” both break away from the irresistible logic of their history and turn their backs upon the past. Vain is honor; vain is human confidence, if these nations at a moment of high duty can thus ignobly fail. “Renown and grace is dead.” Like the other objection, this is *of fact* also; for it is founded on the character of the Slave-monger pretension claiming Recognition, all of which is *a fact*. Perhaps it may be said that it is a question of policy; but it is of a policy which ought to be beyond question, *if the fact be established*. Something more is necessary than that the new Power shall be *de facto* Independent. It must be *de facto fit* to be Independent and from the nature of the case every nation will judge of this fitness

as a fact. In undertaking to acknowledge a *new* Power, you proclaim its fitness for welcome and association in the Family of Nations. Can England put forth such a proclamation in favor of the whippers of women and sellers of children? Can France permit Louis Napoleon to put forth such a proclamation?

And here, on the threshold of this inquiry, the true state of the question must not be forgotten. It is not whether old and existing relations shall be continued with a Power which permits Slavery; but *whether relations shall be begun with a new Power*, which not merely permits Slavery, but builds its whole intolerable pretension upon this Barbarism. "No *New* Slave State" is a watchword with which we are already familiar; but even this cry does not reveal the full opposition to this *new* revolt against Civilization; for even if disposed to admit a *new* Slave State, there must be, among men who have not yet lost all sense of decency, an undying resistance to the admission of a *New* Slave Power, having such an unquestioned origin and such an unquestioned purpose as that which now flaunts in piracy and blood before the civilized world, seeking Recognition for its criminal chimera. Here is nothing for nice casuistry. Duty is as plain as the moral law or the multiplication table.

Look for a moment at the unprecedented character of this pretension. A President had been elected by the people, in the autumn of 1860, who was known to be against the extension of Slavery. This was all. He had not yet entered upon the performance of his duties. But the Slave-mongers saw that Slavery at home must suffer under this popular judgment against its extension, and they rebelled. Under this inspiration State after State pretended to withdraw from the Union and to construct a new Confederacy, whose "corner-stone" was Slavery. A Constitution was adopted, which declared in these words: (1.) "No law denying or impairing the right of property in negro slaves shall be passed;" and (2.) "in all territory, actual or acquired, the institution of Negro Slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and the Territorial Government." Do not start. These are the authentic words of the text. You will find them in the Constitution.

Such was the unalterable fabric of the new Government. Nor was there any doubt or hesitation in proclaiming its distinctive character. Its Vice-President, Mr. Stephens, who thus far had been remarked for his moderation on Slavery, as if smitten with diabolic light, undertook to explain and vindicate the Magna Carta just adopted. His words are already familiar; but they cannot be omitted in an accurate statement of the case. "*The new Constitution*," he said, "has put at rest *forever* all the agitating questions relating to our peculiar institution, African Slavery, as it exists among us," which he proceeds to declare "was the immediate cause of the late rupture and present revolution."

The Vice-President then announced unequivocally the change that had taken place. Admitting that "it was the prevailing idea of the leading statesmen at the foundation of the Old Constitution that the enslavement of the African was wrong in principle, socially, morally and politically, and that it was a violation of the laws of nature," he denounces this idea as "fundamentally wrong," and proclaims the new government as "founded upon *exactly the opposite idea.*" There was no disguise. "Its foundations," he avows, "are laid, its *corner-stone* rests upon the great truth, that the negro is not equal to the white man; that Slavery, subordination to the superior race, is his natural and normal condition." Not content with exhibiting the untried foundation, he boastfully claims for the new government the priority of invention. "*Our new Government,*" he vaunts, "*is the first in the history of the world* based upon this great physical, philosophical and moral truth. This stone which was rejected by the first builders is become the chief stone of the corner." And then, as if priority of invention were not enough, he proceeds to claim for the new Government future supremacy, saying that it is already "a growing power, which if true to itself, its destiny and its high mission, will become the controlling power upon this continent."

Since Satan first declared the "corner-stone" of his new government and openly denounced the Almighty throne, there has been no blasphemy of equal audacity. In human history nothing but itself can be its parallel. Here was the gauntlet thrown down to Heaven and Earth, while a disgusting Barbarism was proclaimed as the new Civilization. Two years have already passed, but, as the Rebellion began, so it is now. A Governor of South Carolina in a message to the Legislature as late as 3d April, 1863, took up the boastful strain and congratulated the Rebel Slave-mongers that they were "a refined, cultivated and enlightened people," and that the new Government was "the finest type that the world ever beheld." God save the mark! And a leading journal, more than any other the organ of the Slave-mongers, has uttered the original vaunt with more than the original brutality. After dwelling on "the grand career and lofty destiny" before the new Government, the *Richmond Examiner* of 28th May, 1863, proceeds as follows; "Would that all of us understood and laid to heart the true nature of that career and that destiny and the responsibility it imposes. *The establishment of the Confederacy is, verily, a distinct reaction against the whole course of the mistaken civilization of the age.* For Liberty, Equality and Fraternity, we have deliberately substituted Slavery, Subordination and Government. *Reverently we feel that our Confederacy is a God-sent missionary to the nations with great truths to preach.* We must speak thus boldly; but whoso hath ears to hear let him hear." It is this God-sent

missionary to the nations, which it is now proposed to welcome at the household hearth of the civilized world.

Unhappily there are old nations, still tolerating Slavery, already in the Family; but now, for the first time in history a new nation claims admission there, which not only tolerates Slavery, but, exulting in its shame, strives to reverse the judgment of mankind against this outrage, and to make it a chief support and glory, so that all Recognition of the new Power will be the Recognition of a sacrilegious pretension,

“With one vast blood-stone for the mighty base.”

Elsewhere Slavery has been an accident; here it is the principle. Elsewhere it has been an instrument only; here it is the inspiration. Elsewhere it has been kept back in a becoming modesty; here it is pushed forward in all its brutish nakedness. Elsewhere it has claimed nothing but liberty to live; here it claims liberty to rule with unbounded empire at home and abroad. Look at this candidate Power as you will, in its whole continued existence, from its Alpha to its Omega, and it is nothing but Slavery! Its origin is Slavery; its main-spring is Slavery; its object is Slavery. Wherever it appears, whatever it does, whatever form it takes, it is Slavery alone and nothing else, so that, with the contrition of Satan, it might cry out,

Me miserable! which way shall I fly
Infinite wrath and infinite despair?
Which way I fly is hell; *myself am hell.*

The Rebellion is Slavery in arms; Slavery on horse-back; Slavery on foot; Slavery raging on the battle-field; Slavery raging on the quarter-deck, robbing, destroying, burning, killing, in order to uphold this candidate Power. Its legislation is simply Slavery in statutes; Slavery in chapters; Slavery in sections—with an enacting clause. Its Diplomacy is Slavery in pretended ambassadors; Slavery in cunning letters; Slavery in cozening promises; Slavery in persistent negotiations—all to secure for the candidate Power its much desired welcome. Say what you will; try to avoid it if you can; you are compelled to admit that the candidate Power is nothing else than *organized Slavery*, which now in its madness—surrounded by its criminal clan, and led by its felon chieftains—braves the civilization of the age. Therefore any Recognition of this Power will be a Recognition of Slavery itself, with welcome and benediction, imparting to it *new* consideration and respectability, and worse still, securing to it *new* opportunity and foothold for the supremacy which it openly proclaims.

In ancient days the candidate was robbed in white, while at the Capitol and in the Forum, he canvassed the people for their votes. The candidate Nation, which is not ashamed of Slavery, should

be robbed in black, while it conducts its great canvass and asks the votes of the Christian Powers. "Hung be the heavens with black, yield day to night," as the outrage proceeds; for the candidate gravely asks the international Recognition of the claim to hold property in man; to sell the wife away from the husband; to sell the child away from the parent; to shut the gates of knowledge; to appropriate all the fruits of another's labor. And yet the candidate proceeds in his canvass—although all history declares that Slavery is essentially barbarous, and that whatever it touches it changes to itself; that it barbarizes laws; barbarizes business; barbarizes manners; barbarizes social life, and makes the people who cherish it barbarians. And still the candidate proceeds—although it is known to the Christian Powers that the partisans of Slavery are naturally "filibusters," always apt for lawless incursions and for robbery; that, during latter years, under their instigation and to advance their pretensions, expeditions, *identical in motive with the present Rebellion*, were let loose in the Gulf of Mexico, twice against Cuba, and twice also against Nicaragua, breaking the peace of the United States and threatening the repose of the world, so that Lopez and Walker were the predecessors of Beauregard and Jefferson Davis. And yet the candidate proceeds—although it is obvious that the Recognition which is urged, will be nothing less than a solemn sanction by the Christian Powers of Slavery everywhere throughout the new jurisdiction, whether on land or sea, so that every ship, which is a part of the *floating territory*, will be *Slave Territory*. And yet with the phantasy that man can hold property in man shooting from his lips; with the shackle and lash in his hands; with Barbarism on his forehead; with Filibusterism in his recorded life; and with Slavery flying in his flag wherever it floats on land or sea; the candidate clamors for Christian Recognition. It is sad to think that there has been delay in repelling the insufferable canvass. "Is thy servant a dog that he should do this thing?" It is not necessary to be a Christian; it is sufficient to be a man—in order to detest and combat such an accursed pretension.

If the Recognition of a *de facto* Power was a duty imposed upon other nations by International Law, there would be no opportunity for objections founded on principle or policy. *But there is no such duty.* International Law leaves to each nation, precisely as the municipal law leaves to each citizen, what company to keep or what copartnership to form. No company and no copartnership can be forced upon a nation. It is all a question of free choice and acceptance. International Law on this head is like the Constitution of the United States, which declares: "New States *may be admitted* by the Congress into this Union." Not *must* but *may*; it being in the discretion of Congress to determine whether the State shall be admitted. Accordingly, in

the exercise of this discretion, Congress for a long time refused to admit Missouri *as a Slave State*. And now the old Missouri Question, in a more outrageous form, on a grander theatre, "with monarchs to behold the swelling scene,"—is presented to the Christian Powers of the world. If it were right to exclude Missouri, having a few slaves only and regarding Slavery merely as a temporary condition, it must be right to exclude a pretended nation, which not only boasts its millions of slaves, but passionately proclaims the perpetuity and propagation of slavery as the cause and object of its separate existence.

Practical statesmen have always treated the question of Recognition as one of policy—to be determined on the *facts* of the case—even where the Power was *de facto* established; as appears amply in the debates of the British Parliament on the Recognition of Spanish America. If we go behind the practical statesmen and consult the earliest oracles of International Law, we shall find that, according to their most approved words, not only may Recognition be refused, but there are considerations of duty this way which cannot be evaded. It is not enough that a pretender has the form of a Commonwealth. "A people," says Cicero, in a definition copied by most jurists, "is not every body of men *howsoever* congregated, but a gathered multitude, *associated under the sanction of justice and for the common good*."—*Juris consensu et utilitatis communione sociatus*. (De Repub. Lib. i., 25.) And again he goes so far as to say, in the Republic, "when the king is unjust, or the aristocracy, or the people itself, the Commonwealth is not vicious *but null*." Of course a Commonwealth that was *null* would not be recognized. But Grotius, who speaks always with the magistral voice of learning and genius, has given the just conclusion, when he presents the distinction between a body of men, who being already a Recognized Commonwealth, are guilty of systematic crime, as, for instance, of piracy, and another body of men, who, *not yet Recognized as a Commonwealth*, are banded together for the sake of systematic crime—*sceleris causâ coeunt*. (*De Jure Belli, ac Pacis*, Lib. iii., cap. 3, § 2.) The latter, by a happy discrimination, he places beyond *the pale of honor or fellowship; nam hi criminis causâ sociantur*. But when before in all history, have creatures, wearing the human form, proclaimed the *criminal principle* of their association, with the audacity of our Slave-mongers?

It might be argued, on grounds of reason and authority even, that the *declared principle* of the pretended Power, was a violation of International Law. Eminent magistrates have solemnly ruled, that, in the development of civilization, the slave-trade has become illegal, by a law higher than any statute. Sir William Grant, one of the ornaments of the British bench, whose elegant mind was governed always by practical sense, adjudged that "this trade cannot, *abstractedly speaking*, have any legitimate existence,"

(*Amedie*, 2 Acton R. 240); and our own great authority, Mr. Justice Story, in a remarkable judgment, declared himself constrained "to consider the trade *against the universal law of society.*" (*La Jeune Eugenie*, 2 Mason R. 451.) But the arguments which are strong against any Recognition of the slave-trade, are strong also against any Recognition of Slavery itself.

It is not, however, necessary, in the determination of present duty, to assume that Slavery, or the slave-trade, is positively forbidden by existing International Law. It is enough to show, that *according to the spirit* of that sovereign law which "sits empress, crowning good, repressing ill," and according also to those commanding principles of justice and humanity, which cannot be set at naught without a shock to human nature itself, so foul a wrong as Slavery can receive no voluntary support from the Commonwealth of Nations. It is not a question of law but a question of Morality. The Rule of Law is sometimes less comprehensive than the Rule of Morality, so that the latter may positively condemn what the former silently tolerates. But within its own domain the Rule of Morality cannot be less authoritative than the Rule of Law itself. It is, indeed, nothing less than the Law of Nature and also the Law of God. If we listen to a Heathen teacher we shall confess its binding power. "Law," says Cicero, "is the highest reason implanted in nature, *which prescribes those things which ought to be done, and forbids the contrary.*"—(*De Legibus*, Lib. i., cap. 5.) This law is an essential part of International Law, as is also Christianity itself, and, where treaties fail and usage is silent, it is the only law between nations. Jurists of all ages and countries have delighted to acknowledge its authority, if it spoke only in the still small voice of conscience. A celebrated professor of Germany in our own day, Savigny, whose name is honored by the students of jurisprudence everywhere, touches upon this monitor of nations, when he declares that "there may exist between different nations *a common consciousness of Right* similar to that which engenders the Positive Law of particular nations."—(*System des heutigen Römischen Rechts*, L. vii., cap 11, § 11.) But this common consciousness of right is identical with that law, which, according to Cicero, is "the highest reason implanted in nature." Such is the *Rule of Morality*.

The Rule of Morality differs from the Rule of Law in this respect: that the former finds its support in the human conscience; the latter in the sanctions of public force. But moral power prevails with a good man as much as if it were physical. I know no different rule for a good nation than for a good man. I am sure that a good nation will not do what a good man would scorn to do.

But there is a rule of prudence superadded to the Rule of Morality. Grotius in discussing treaties does not forget the

wisdom of Solomon, who, in not a few places, warns against fellowship with the wicked, although he adds, that these were maxims of prudence and not of law.—(Lib. ii., cap. 15, § 9.) And he reminds us of the saying of Alexander, “that those grievously offend who enter the service of Barbarians.” (*Ibid*, § 11.) But better still are the words of the wise historian of classical antiquity, who enjoins upon a Commonwealth the duty of considering carefully, when sued for assistance, “whether what is sought is sufficiently pious, safe, glorious, *or on the other hand unbecoming* ;”—(*Sallust Fragm.*, iv. 2.) and also those words of Scripture which after rebuking an alliance with Ahab, ask with scorn, “Shouldst thou help the ungodly ?” (2 Chron., xiv., 2.)

If the claim for Recognition be brought to the touch-stone of these principles, it will be easy to decide it.

Vain is it to urge the *Practice of Nations* in its behalf. Never before in history has such a candidacy been put forward *in the name of Slavery* ; and the terrible outrage is aggravated by the Christian light which surrounds it. This is not the age of darkness. But even in the Dark Ages, when the Slave-mongers of Algiers “had reduced themselves to a government or state,” the renowned Louis IX. “treated them as a nest of wasps.” (1 Philimore, p. 80.) Afterwards but slowly they obtained “the rights of legation” and “the reputation of a government ;” but at last, weary of their criminal pretensions, the aroused vengeance of Great Britain and France blotted out this Power from the list of nations. Louis XI., who has been described as “the sovereign who best understood his interest,” indignant at Richard III. of England, who had murdered two infants in the tower, and usurped the crown, sent back his ambassadors without holding any intercourse with them. This is a valuable precedent ; for the parricide usurper of England had never murdered so many infants, or usurped so much as the pretended Slave Power, which is strangely tolerated by the sagacious sovereign who sits on the throne of Louis XI. But it is not necessary to go so far in history ; nor to dwell on the practice of nations in withholding or conceding Recognition. The whole matter is stated by Burke with his customary power :

“In the case of a divided kingdom by the Law of Nations, Great Britain, like every other Power, is free to take any part she pleases. *She may decline, with more or less formality, according to her discretion, to acknowledge this new system ; or she may recognize it as a government de facto, setting aside all discussion of its original legality, and considering the ancient monarchy as at an end. The Law of Nations leaves our court open to its choice. The declaration of a new species of government on new principles is a real crisis in the politics of Europe.*” (*Thoughts on French Affairs, 1791.*)

Another eloquent publicist, Sir James Mackintosh, while urging on Parliament the Recognition of Spanish America, says, "The reception of a new State into the society of civilized nations by those acts which amount to recognition is a proceeding, which, as it has no legal character, *is purely of a moral nature*;" and he proceeds to argue that since England is "the only anciently free State in the world, for her to refuse her *moral aid to communities struggling for liberty*, is an act of unnatural harshness." (*Mackintosh's Works*, Vol. iii. p. 438.) Thus does he vindicate Recognition for the sake of Freedom. How truly he would have repelled any Recognition for the sake of Slavery, let his life testify.

But, perhaps, no better testimony to the practice of nations can be found than in the words of Vattel, whose work, presenting the subject in a familiar form, has done more, during the last century, to fashion opinion on the Law of Nations than any other authority. Here it is briefly:—

"If there be any nation that *makes an open profession* of trampling justice under foot, of despising and violating the right of others, whenever it finds an opportunity, the interest of human society will authorize all others to humble and chastise it." (*Book ii., cap. 4, § 70.*) "*To form and support an unjust pretension* is to do an injury not only to him who is interested in this pretension, but to mock at justice in general and to injure all nations." (*Ibid.*) "He who assists an odious tyrant—he who declares for an unjust and rebellious people—violates his duty." (*Ibid, § 56.*) "As to those monsters, who under the title of sovereigns, render themselves the scourges and horror of the human race, they are savage beasts, whom every brave man may justly exterminate from the face of the earth." (*Ibid.*) "But if the maxims of a religion tend to establish it by violence and to oppress all those who will not embrace it, the law of nature forbids us to favor that religion or to contract any unnecessary alliance with its inhuman followers, and the common safety of mankind invites them rather to enter into an *alliance against such a people; to repress such outrageous fanatics, who disturb the public repose and threaten all nations.*" (*Ibid, Book ii., cap. 12, § 162.*)

Vainly do you urge this Recognition on any principle of the *Comity of Nations*. This is an expansive term into which enters much of the refinements, amenities and hospitalities of Civilization, and also something of the obligations of moral duty. But where an act is prejudicial to national interests or contrary to national policy or questionable in morals, it cannot be commended by any considerations of courtesy. There is a paramount duty which must not be betrayed by a kiss. For the sake of Comity, acts of good will and friendship not required by law are performed between nations; but an English Court has authoritatively declared that this principle cannot prevail "where it violates the law of our own country, the Law of Nature or the Law of God;"

and on this adamant ground it was decided, that an American slave, who had found shelter on board of a British man-of-war, could not be recognized as a slave. (*Forbes v. Cochrane*, 2 Barn. and Cres., R. 448.) But the same principle would prevail against the Recognition of a new Slave Nation.

Vainly do you urge this Recognition on any reason of *Peace*. There can be no peace founded on injustice; and any Recognition is an injustice which will cry aloud resounding through the universe. You may seem to have peace; but it will be only a smothered war, destined to break forth in war more direful than before.

Thus is every argument for Recognition repelled, whether it be under the sounding words, Practice of Nations—Comity of Nations—or Peace. There is nothing in Practice, nothing in Comity, nothing in Peace, which is not against any such shameful surrender.

But applying the principles which have been already set forth;—assuming what cannot be denied,—that every Power is free to refuse Recognition; assuming that it is not every body of men that can be considered a Commonwealth, but only “those associated *under the sanction of justice* and for the common good;” that men “banded together for the sake of systematic crime” cannot be considered a Commonwealth;—assuming that every member of the Family of Nations will surely obey the Rule of Morality; that it will “shun fellowship with the wicked;” that it will not “enter into the service of Barbarians;” that it will avoid what is “unbecoming” and do that only which is “pious, safe and glorious;” and that above all things it will not enter into an alliance “to help the ungodly;” assuming these things—every such member must reject with indignation a new pretension whose declared principle of association is so essentially wicked. Here there can be no question. The case is plain; nor is any language of contumely or scorn too strong to express the irrepressible repugnance to such a pretension, which, like vice, “to be hated needs only to be seen.” Surely there can be no Christian Power which will not leap to expose it, saying with irresistible voice: (1.) No *new* sanction of Slavery. (2.) No *new* quickening of Slavery in its active and aggressive Barbarism. (3.) No *new* encouragement to the “filibusters” engendered by Slavery. (4.) No *new* creation of *Slave territory*. (5.) No *new* creation of a *Slave Navy*. (6.) No *new Slave Nation*. (7.) No installation of Slavery as a *new* Civilization. But all this Litany will fail, if Recognition prevails—from which Good Lord deliver us! Nor will this be the end of the evil.

Slavery, through the *new* Power, will take its place in the Parliament of mankind, with all the immunities of an Independent Nation, ready always to uphold and advance itself, and organized as an unrelenting Propaganda of the new Faith. A

Power, having its inspiration in such a Barbarism, must be essentially barbarous ; founded on the asserted right to whip women and to sell children, it must assume a character of disgusting hardihood, and, openly professing a determination to revolutionize the Public Opinion of the world, it must be in open schism with Civilization itself, so that all its influences will be wild, savage, brutal, and all its offspring kindred in character.

Pard genders pard ; from tigers tigers spring ;
No dove is hatched beneath the vulture's wing.

Such a Power, from its very nature, must be Despotism at home "tempered only by assassination," with cotton-fields instead of Siberia, while abroad it must be aggressive, dangerous and revolting, in itself a *Magnum Latrocinium*, whose fellowship can have nothing but "the filthiness of Evil," and whose very existence will be an intolerable nuisance. When Dante, in the vindictive judgment which he hurled against his own Florence, called it *bordello*, he did not use a term too strong for the mighty House of Ill Fame which the Christian Powers are now asked for the first time to license. Such must be the character of the new Power. But though only a recent wrong, and pleading no prescription, the illimitable audacity of its nature will hesitate at nothing ; nor is there any thing offensive or detestable which it will not absorb into itself. It will be an Ishmael with its hand against every man. It will be a brood of Harpies defiling all which it cannot steal. It will be the one-eyed Cyclop of nations, seeing only through Slavery, spurning all as fools who do not see likewise, and bellowing forth in savage egotism :

Know then, we Cyclops are *a race above*
Those air-bred people and their goat-nursed Jove ;
And learn our power proceeds with thee and thine
Not as Jove wills, *but as ourselves incline*.

Or worse still, it will be the soulless monster of Frankenstein—the wretched creation of mortal science without God—endowed with life and nothing else—forever raging madly, the scandal to humanity—powerful only for evil—whose destruction will be essential to the peace of the world.

Who can welcome such a creation ? Who can consort with it ? There is something loathsome in the idea. There is contamination even in the thought. If you live with the lame, says the ancient proverb, you will learn to limp ; if you keep in the kitchen you will smell of smoke ; if you touch pitch you will be defiled. But what lameness so pitiful as that of this pretended Power ; what smoke so foul as its breath ; what pitch so defiling as its touch ? It is an Oriental saying that a cistern of rose-water will become impure, if a dog be dropt into it ; but a continent of rose-water with

Rebel Slave-mongers would be changed into a vulgar puddle. Imagine, if you please, whatever is most disgusting, and this pretended Power is more disgusting still. Naturalists report that the pike will swallow any thing except the toad; but this it cannot do. The experiment has been tried, and, though this fish, in its voracity, always gulps whatever is thrown to it, yet invariably it spews this nuisance from its throat. But our Slave-monger pretension is worse than the toad; and yet there are Foreign Nations which, instead of spewing it forth, are already turning it like a precious morsel on the tongue.

But there is yet another ground on which I make this appeal. It is a part of the triumphs of Civilization, that no Nation can act for itself alone. Whatever it does for good or for evil, affects all the rest. Therefore a Nation cannot forget its obligations to others. Especially does International Law, when it declares the absolute Equality of Independent Nations, cast upon all Nations the duty of considering well how this privilege shall be bestowed, so that the welfare of all may be best upheld. But the whole Family of Nations would be degraded by admitting this new pretension to any toleration, much less to any equality. There can be no reason for such admission; for it can bring nothing to the general weal. Civil society is created for safety and tranquillity. Nations come together and fraternize for the common good. But this hateful pretension can do nothing but evil for civil society at home or for nations in their relations with each other. It can show no title to Recognition; no passport for its travels; no old creation. It is all new; and here let me borrow the language of Burke on another occasion; "It is not a new Power of an old kind. *It is a new Power of a new species.* When such a questionable shape is *to be admitted for the first time* into the brotherhood of Christendom, it is not a mere matter of idle curiosity to consider *how far it is in its nature alliable with the rest.*" (*Regicide Peace, 2d Letter.*) The greatest of corporations is a nation; the sublimest of all associations is that which is composed of nations, independent and equal, knit together in the bonds of peaceful Fraternity as the great Christian Commonwealth. The Slave-mongers may be a corporation *in fact*; but no such corporation can find a place in that sublime Commonwealth. As well admit the Thugs, whose first article of faith is to kill a stranger—or the Buccaneers, those old "brothers of the coast," who plundered on the sea—or better still revive the old Kingdom of the Assassins, where the king was an assassin, surrounded by counsellors and generals who were assassins, and all his subjects were assassins. Or yet again better at once and openly recognize Anti-Christ, who is the supreme and highest impersonation of the Slave-Power.

Amidst the general degradation that would follow such an obeisance to Slavery, there are two Christian Powers that would

appear in sad and shameful eminence. I refer to Great Britain—the declared “protectress of the African race,”—and to France, the declared champion of “ideas,”—who, from the very largeness of their pledges, are so situated, that they cannot desert the good old cause and turn their backs upon civilization without a *criminal self-stultification*, which no amount of apologies can conceal. Where then would be British devotion to the African race? Where then would be French devotion to ideas?—Remembered only to point a tale and show how nations had fallen. Great Britain knows less than France of national vicissitudes; but such an act of wrong would do something in its influence to equalize the conditions of these two nations. Better for the fast-anchored isle that it should be sunk beneath the sea, with its cathedrals, its castles, its fields of glory, Runnymede, Westminster Hall and the home of Shakspeare, than that it should do this thing. In other days England has valiantly striven against Slavery; and now she proposes to surrender, at a moment when more can be done than ever before against the monster wherever it shows its head, for Slavery everywhere has its neck in this Rebellion. In other days France has valiantly striven for ideas; and now she too proposes to surrender, although all that she has professed to have at heart is involved in the doom of Slavery, which a word from her might hasten beyond recall. But it is in England, more even than in France, that the strongest sentiment for Rebel Slave-mongers has been manifest, constituting a *moral mania*, which menaces a pact and *concordat* with the Rebellion itself,—as when an early Pope, the head of the Christian Church, did not hesitate to execute a piratical convention with a pagan enemy of the Christian name. It only remains that the new coalition should be signed, in order to consummate the unutterable degradation. It was the fate of *Ædipus*, in the saddest story of antiquity, to wed his own mother without knowing it; but England will wed the Slave-Power with full knowledge that the relation, if not incestuous, is vile. The contracting parties will be the Queen of England, and Jefferson Davis the Rebel Slave-monger patron of “repudiation.” It will only remain for this virtuous Lady, whose pride it is to seek justice always, to bend in pitiful abjectness to receive as a plenipotentiary at her Court the author of the Fugitive Slave Bill.

A Slave-monger Power will take its seat at the great council-board, to jostle thrones and benches, while it overshadows Humanity. Its foul attorneys, reeking with Slavery, will have their letter of license, as the ambassadors of Slavery, to rove from court to court, over foreign carpets, talking, drinking, spitting Slavery and poisoning that air which has been nobly pronounced too pure for a slave to breathe. Alas! for England’s Queen, seduced, led and drawn away from the cause of Wilberforce and Clarkson to sink into unseemly dalliance with the

scourgers of women and the auctioneers of children. Alas! for that Royal Consort, humane and great, whose dying voice was given to assuage the temper of that ministerial despatch by which, in an evil hour, England was made to strike hands with Rebel Slave-mongers; for the councillor is needed now to save the land which he adorned from an act of inexpiable shame. Alas! for England, vowed a thousand times to the cause of the African race and knit perpetually by her best renown to this sacred loyalty, now plunging into adulterous honey-moon with Slavery—recognizing the new and impious Protestantism against Liberty itself—and wickedly becoming the *Defender of the Faith*, even as professed by Rebel Slave-mongers.

And for all this sickening immorality I hear but one declared apology. It is said that the Union permitted and still permits Slavery; therefore Foreign Nations may recognize Rebel Slave-mongers as a *new* Power. But here is the precise question. England is still in diplomatic relations with Spain, and was only a short time ago in diplomatic relations with Brazil; both permitting Slavery; but these two Powers are not *new*; they are already established; there is no question of their Recognition; nor do they pretend to found empire on Slavery. There is no reason in any relations with them why a *new* Power, with Slavery as its declared “corner-stone,” whose gospel is Slavery and whose evangelists are Slave-mongers, should be recognized in the Family of Nations. If Ireland were in triumphant rebellion against the British Queen, complaining of rights denied, it would be our duty to recognize her as an Independent Power; but if Ireland rebelled, with the declared object of establishing a *new* Power, which should be nothing less than a giant felony and a nuisance to the world, then it would be our duty to spurn the infamous pretension, and no triumph of the Rebellion could change this plain and irresistible necessity. And yet, in the face of this commanding rule, we are told to expect the Recognition of Rebel Slave-mongers.

But an aroused Public Opinion, “the world’s collected will” and returning reason in England and France will see to it that Civilization is saved from this shock and the nations themselves from the terrible retribution which sooner or later must surely attend it. No Power can afford to lift itself before mankind and openly vote a new and untrammelled charter to injustice and cruelty. God is an unsleeping avenger; nor can armies, fleets, bulwarks or “towers along the steep” prevail against his mighty anger. There is but one word which the Christian Powers can utter to any application for this unholy Recognition. It is simply and austere “No,” with an emphasis that shall silence argument and extinguish hope itself. And this Proclamation should go forth swiftly. Every moment of hesitation is a moment of apostacy, casting its lengthening shadow of dishonor. Not to dis-

courage is to encourage ; not to blast is to bless. Let this simple word be uttered and Slavery will shrink away with a mark on its forehead, like Cain—a perpetual vagabond—without welcome or fellowship, so that it can only die. Let this simple word be uttered and the audacious Slave-Power will be no better than the *Flying Dutchman*, that famous craft, which, darkened by piracy and murder, was doomed to a perpetual cruise, unable to enter a port ;

Faint and despairing in their watery bier,
To every friendly shore the sailors steer ;
Repelled from port to port they sue in vain,
And track with slow, unsteady sail the main,
Unblest of God and man ! Till time shall end
Its view strange horror to the storm shall lend.

[V.]

NO CONCESSION OF OCEAN BELLIGERENCY WITHOUT A PRIZE COURT ;—ESPECIALLY TO REBEL SLAVE-MONGERS.

Too much have I spoken for your patience, if not enough for the cause. But there is yet another topic which I have reserved to the last, because logically it belongs there, or at least it can be best considered in the gathered light of the previous discussion. Its immediate, practical interest is great. I refer to the *concession of Belligerent Rights*, being the first stage to Independence. Great Britain led the way in acknowledging the embryo government of Rebel Slave-mongers as Belligerents on sea as well as on land, and, by a Proclamation of the Queen, declared her neutrality between the two parties, thus lifting the embryo government of Rebel Slave-mongers, which was nothing else than organized and aggressive Slavery, to an Equality *on sea* as well as on land with its ancient ally, the National Government. Here was a blunder if not a crime—not merely in the alacrity with which it was done but in doing it at all. It was followed immediately by France, and then by Spain, Holland and Brazil. The concession of Belligerent Rights on land was only a name and nothing more ; therefore I say nothing about it. But the concession of *Belligerent Rights on the Ocean* is of a widely different character, and the two reasons against the Recognition of the independence of the embryo government are applicable also to this concession. *First*, The embryo government has no *maritime* or *naval* Belligerent Rights, *de facto* ; and *secondly*, an embryo government of Rebel Slave-mongers cannot have the character *de facto* which would justify the concession of *maritime* or *naval* Belligerency ; so that could the concession be vindicated on the first ground, it must fail on the second.

The concession of *Ocean Belligerency* is a Letter of License from the consenting Powers to every Slave-monger cruiser, or

rather it is the countersign of these Powers to the commission of every such cruiser. Without such countersign the Slave-monger cruiser would be an outlaw, with no right to enter a single foreign port. The declaration of Belligerency gives to him legal competency and admits him to testify by flag and arms. Without such competency he could have no flag, and no right to bear arms on the ocean. Burke sententiously describes it as an “intermediate Treaty which puts rebels in possession of the Law of Nations.” And this is plainly true.

The magnitude of this concession may be seen in three aspects; *first*, in the immunities which it confers; putting an embryo government of Rebel Slave-mongers on an *equality* with established governments, making its cruisers lawful instead of piratical, and opening to them boundless facilities at sea and in port, so that they may obtain supplies and even hospitality. *Secondly*, in the degradation that it fastens upon the National Government, which is condemned to see its ships treated on an *equality* with the ships of Rebel Slave-mongers, and also the just rule of “neutrality” between Belligerent Powers called in to fetter its activity against a giant felony. And *thirdly*, it may be seen in the disturbance to commerce which it sanctions, by letting loose lawless sea-rovers, armed with Belligerent Rights—including the right of search—whose natural recklessness is left unbridled, and without any remedy even from diplomatic intercourse. The ocean is a common highway; but on this account it is for the interest of all who share it, that it should not be disturbed by predatory hostilities. Such a concession should be made with the greatest caution, and then, only under the necessity of the case, on the overwhelming authority of *the fact*; for, from beginning to end, it is simply a question of fact, absolutely dependent on those conditions and prerequisites without which Ocean Belligerency cannot exist.

As a general rule, Belligerent Rights are conceded only where a rebel government, or contending party in a civil war, has acquired such form and body, that, for the time being, within certain limits, it is sovereign *de facto*, so far at least as to command troops and to administer justice. The concession of Belligerency is the Recognition of such limited sovereignty, which bears the same relation to acknowledged Independence as gristle bears to bone. It is obvious that such sovereignty may exist *de facto* on land without existing *de facto* on the ocean. It may prevail in armies and yet fail in navies. In short *the fact* may be one way on land, and the other way *on the ocean*; nor can it be inferred on the ocean simply from its existence on the land. Since every such concession is adverse to the original government, and is made only under the necessity of the case, it must be carefully limited to the *actual fact*. Indeed, Mr. Canning, who has shed so much light on these topics, openly took the ground

that "Belligerency is not so much a principle as a fact." And the question then arises, whether the Rebel Slave-mongers have acquired such *de facto* sovereignty on the ocean as entitles them to Ocean Belligerent rights.

There are at least two "facts" which are patent to all, *first*, that the Rebel Slave-mongers have not a single port into which even legal cruisers can take their prizes for adjudication; and *secondly*, that the ships which now presume to exercise Ocean Belligerent rights in their name—constituting the Rebel Slave-monger navy, which a member of the British Cabinet said was "to be created"—were all "created" in England, which is the *naval base* from which they sally forth on their predatory cruise without once entering a port of their own pretended Government.

These two "facts" are different in character. The first attaches absolutely to the pretended Power, rendering it incompetent to exercise *Belligerent jurisdiction* on the ocean. The second attaches to the individual ships, rendering them piratical. But these simple and unquestionable "facts" are the key to unlock the present question.

From the reason of the case, there can be no Ocean Belligerent without a port into which it can take its prizes. Any other rule would be absurd. It will not be enough to sail the sea, like the Flying Dutchman; the Ocean Belligerent must be able to touch the land and that land its own. This proceeds on the idea of civilized warfare, that something more than *naked force* is essential to the completeness of a capture. According to the earlier rule, transmutation of property was accomplished by the "pernoctation" of the captured ship within the port of the Belligerent, or as it was called, *deductio infra præsidia*. As early as 1414, under Henry V., of England, there was an Act of Parliament, requiring privateers to *bring their prizes into a port of the kingdom*, and to make a declaration thereof to a proper officer, *before undertaking to dispose of them*. (*Runnington's Statutes*, Vol. i., p. 491.) But the modern rule interposes an additional check upon lawless violence by requiring the condemnation of a competent court. This rule, which is among the most authoritative of the British Admiralty, will be found in the famous letter of Sir William Scott and Sir John Nichol, addressed to John Jay, as follows; "*Before the ship or goods can be disposed of by the captors*, there must be a regular judicial proceeding, wherein both parties may be heard and condemnation therefrom as Prize in a Court of Admiralty, judging by the Law of Nations and Treaties." This is explicit. But this rule is French as well as English. Indeed it is a part of International Law. A *seizure* is regarded merely as a *preliminary* act, which does not divest the property, though it paralyzes the right of the proprietor. A subsequent act of condemnation, by a competent tribunal, is necessary to determine if the seizure is valid. The question is

compendiously called *prize or no prize*. Where the property of neutrals is involved this requirement becomes of absolute importance. In conceding Belligerency, all the customary belligerent rights with regard to neutrals are conceded also, so that the concession puts in jeopardy neutral commerce. But without dwelling on this point, I content myself with the authority of two recent French writers. M. Hautefeuille, in his elaborate work, says "the cruiser is not recognized as the proprietor of the objects seized, but *he is held to bring them before the tribunal and obtain a sentence declaring them to be prize.*" (*Hautefeuille, Des Droits et des Devoirs des Nations neutres*, Vol. iii., p. 299, 323, 352.) And a later writer, M. Eugene Cauchy, whose work has appeared since our war began, says, "A usage, which evidently has its source in *natural equity*, requires that, before proceeding to divide the booty, there should be an inquiry as to the regularity of the prize; and to this end, *every prize taken from an enemy should be carried before the judge established by the sovereign of the captor.*" (*Cauchy, Droit Maritime International*, Vol. i., p. 65, 66. But if the Power, calling itself Belligerent, cannot comply with this condition; if it has no port into which it can bring the captured ship, and no court, according to the requirement of the British Admiralty, with "a regular judicial proceeding wherein both parties may be heard," it is clearly *not in a situation to dispose of a ship or goods as prize*. Whatever may be its force in other respects, it lacks a vital element of Ocean Belligerency. In that *semi-sovereignty*, which constitutes Belligerency on land, there must be a provision for the administration of justice, without which there is nothing but a mob. In that same *semi-sovereignty* on the ocean there must be a similar provision. It will not be enough that there should be ships duly commissioned to take prizes, there must also be courts to try them; and the latter are not less important than the former.

Lord Russell himself, who was so swift to make this concession, has been led to confess the necessity of Prize Courts on the part of Ocean Belligerents, and thus to expose the irrational character of his own work. In a letter to the Liverpool Chamber of Commerce, dated 1st January, 1862, occasioned by the destruction of British cargoes, the Minister says: "The owners of any British property, not being contraband of war, on board a Federal vessel captured and destroyed by a Confederate vessel of war, *may claim in a Confederate Prize Court compensation for destruction of such property.*" (*Wheaton's Elements, Lawrence's edit.*, p. 1024.) But if there be no Prize Court, then justice must fail; and with this failure tumbles *in fact* the whole wretched pretension of Ocean Belligerency—except in the galvanism of a Queen's Proclamation, or a Cabinet concession.

If a cruiser may at any time burn prizes, it is only because of some exceptional exigency in a particular case, and not according

to any general rule. The general rule declares that there can be no right to take a prize, if there be no port into which it may be carried. The right of capture and the right of trial are the complements of each other—through which a harsh prerogative is supposed to be rounded into the proper form of civilized warfare. Therefore, every ship and cargo, burned by the captors, for the reason that they had no port, testifies that they are without that vital sovereignty on the ocean, which is needed in the exercise of Belligerent jurisdiction, and that they are not Ocean Belligerents *in fact*. Nay more; all these bonfires of the sea cry out against that Power, which by a precipitate concession of a false Belligerency furnished the torch. As well invest the rebellious rajahs of India, who have never tasted salt water, with this Ocean prerogative, so that they too may rob and burn; as well constitute land-locked Poland, now in arms for Independence, an Ocean Belligerent; or enroll mountain Switzerland in the same class; or join with Shakspeare in making inland Bohemia a country with hospitable ports on the ocean.

To aggravate this concession of a false Belligerency, the ships are all built, rigged, armed and manned in Great Britain. It is out of British oak and British iron that they are constructed; rigged with British ropes; made formidable with British arms; supplied with British gunners and navigated by British crews, so as to constitute in all respects a *British naval expedition*. British ports supply the place of Rebel Slave-monger ports. British ports are open to them when their own are closed. British ports constitute their *naval base of operations and supplies*, furnishing every thing needful—except an officer—the ship's papers—and a court for the trial of the prizes—each of which is essential to the legality of the expedition. And yet these same ships, thus equipped in British ports and *never touching a port of the pretended government* in whose name they rob and burn,—being simply a rib taken out of the side of England and contributed to a Slave-monger Rebellion,—receive the further passport of Belligerency from the British Government when *in fact* the Belligerency does not exist. The whole proceeding, from the laying of the keel in a British dockyard to the bursting flames on the ocean, is a mockery of International Law and an insult to a friendly Power.

The case is sometimes said to be new; but it is new only inasmuch as no such "parricide" is provided against in express terms. It was not anticipated. But the principles which govern it are as old as justice and humanity, in the interests of which Belligerent Rights are said to be conceded. Here it is all reversed, and it is now apparent that, whatever may have been the motives of the British Government, Belligerent Rights have been conceded in the interests of *injustice and inhumanity*. Burning ships and scattered wrecks are the witnesses. If such a case is not condemned by International Law, then has this law lost its virtue.

Call such cruisers by whatever polite term most pleases the ear, and you do not change their character with their name. Without a home and without a legal character, they are mere gypsies of the sea, who by their criminal acts have become disturbers of the common highway, outlaws and enemies of the human race.

But there is a precedent, which shows how impossible it is for a pretended Power, without a single port, to possess Belligerent Rights on the ocean, and how impossible it is for the ship of such pretended Power to be any thing but a felon ship. James II. of England, after he had ceased to be *de facto* king and while he was an exile without a single port, undertook to issue Letters of Marque. It was argued unanswerably before the Privy Council of William III., that, whatever might be the claims *de jure* of a deposed prince, he could not receive from any other sovereign "international privileges;" "that, if he could grant a commission to take the ships of a single nation, it would in effect be a general license to plunder, *because those who were so commissioned would be their own judges of whatever they took*; and that the reason or the thing which pronounced that robbers and pirates, when they formed themselves into a civil society, became just enemies, pronounced also that a king without territory, without power of protecting the innocent or punishing the guilty, *or in any way of administering justice*, dwindled into a pirate if he issued commissions to seize the goods and ships of nations, and *that they who took commissions from him must be held by legal inference to have associated 'sceleris causâ' and could not be considered as members of civil society.*" (Phillimore, International Law, Vol. i. 401.) These words are strictly applicable to the present case. Whatever may be the force of the Rebel Slave-mongers on land, they are no better on the ocean than the "deposed prince"—"without power of protecting the innocent or punishing the guilty, *or in any way of administering justice*;" and, like the prince, they too have "dwindled into a pirate,"—except so far as they may be sustained by British Recognition.

And there is yet another precedent, which shows that the appropriation of a captured ship or cargo without judicial proceedings, is piracy. The case is memorable. It is none other than that of the famous Captain Kidd, who, on his indictment for piracy, as long ago as 1698, produced a commission in justification. But it was at once declared that it was not enough to show a commission; *he must also show a condemnation of the captured ship.* The Lord Chief Baron of that day said that "if he had acted pursuant to his commission *he ought to have condemned ship and goods*; that by not condemning them he showed his aim, mind and intention, and that he did not act in that case by virtue of his commission, but quite contrary to it; that he took the ship and shared the money and goods, and was taken in that very ship, *so that there is no color or pretence that he intended to bring this ship to Eng-*

land to be condemned or to have condemned it in any of the English plantations; and that whilst men pursue their commissions they must be justified; but when they do things not authorized or ever intended by them, *it was as if they had no commissions.* (Hargrave's State Trials, Vol. v. p. 314.) Capt. Kidd was condemned to death and executed as a pirate. If he was a pirate, worthy of death, then, by the same rule, those rovers who burn ships, rob cargoes and adorn their cabins with rows of stolen chronometers, —without any pretence of a Prize Court—must be pirates, worthy of death likewise.

But without now considering more critically what should be the fate of these ocean-incendiaries, or what the responsibilities of England, out of whom they came, I content myself with the conclusion that they are not entitled to Ocean Belligerency.

But even if Rebel Slave-mongers coagulated in embryo government, have arrived at that *semi-sovereignty de facto* on the ocean which justifies the concession of Belligerent Rights, yet the Christian Powers should indignantly decline to make the concession, because they cannot do so without complicity with a shameful crime. Here I avoid details. It is sufficient to say, that every argument of fact and reason—every whisper of conscience and humanity—every indignant outburst of an honest man against the Recognition of Slave-monger Independence is equally strong against any concession of Ocean Belligerency. Indeed such concession is the half-way house to Recognition, and it can be made only where a nation is ready, if the fact of Independence be sufficiently established, to acknowledge it—on the principle of Vattel that “whosoever has a right to the end has a right to the means.” (Book IV. cap. v. § 60.) But it is equally clear, that where a nation, on grounds of conscience, must refuse the Recognition of Independence, it cannot concede Belligerency, for *where the end is forbidden the means must be forbidden also.* But the illogical absurdity of any such concession by Great Britain, so persistent always against Slavery and now for more than a generation the declared “protectress of the African race,” becomes doubly apparent when it is considered, that every rebel ship built in England and invested with Ocean Belligerency, carries with it the law of Slavery, so that the ship becomes an *extension of Slave Territory* by British concession.

And yet it is said that such a monster is entitled to the concession of ocean rights, and the British Queen is made to proclaim them. Sad day for England when another wicked compromise was struck with Slavery, kindred in nature to that old Treaty, which mantles the cheeks of honest Englishmen as they read it, by which the slave-trade was protected and its profits secured to British subjects! I know not the profits which have been secured by the destruction of American commerce; but I do know that the Treaty of Utrecht, crimson with the blood of slaves, is not

so crimson as that reckless Proclamation, which gave to Slavery a frantic life, and helped for a time, nay still helps the demon, in the rage with which it battles against Human Rights. Such a ship with the Law of Slavery on its deck and with the flag of Slavery at its mast-head, sailing for Slavery, burning for Slavery, fighting for Slavery and knowing no other sovereignty than the pretended government of Rebel Slave-mongers, can be nothing less, in spirit and character, than a *Slave-Pirate* and the enemy of the human race. Like produces like, and the parent Power, which is Slavery, must stamp itself upon the ship, making it a floating offence to Heaven, with no limit to its audacity—wild, outrageous, impious, a monster of the deep to be hunted down by all who have not forgotten their duty alike to God and man.

Meanwhile there is one simple act which the justice of England cannot continue to refuse. That fatal concession of Ocean Belligerency, made in a moment of eclipse, when reason and humanity were obscured, must be annulled. The *blunder-crime* must be renounced, so that the *Slave-pirates* may no longer sail the sea, burning, destroying, robbing, with British license. Then will they promptly disappear forever, and with them will disappear the occasion of strife between two Great Powers, who ought to be, if not as mother and child, at least as brothers among the Nations. And may God in his mercy help this consummation!

And here I leave this part of the subject, founding my objections on two grounds:

(1.) The embryo government of Rebel Slave-mongers has not that degree of sovereignty *on the ocean* which is essential to Belligerency there.

(2.) Even if it possessed the requisite sovereignty, no Christian Power can make any such concession to it without a shameful complicity with Slavery.

Both of these are objections *of fact*. Either is sufficient. But even if the Belligerency seems to be established as a *fact*, still its concession in this age of Christian light would seem to be impossible, unless under some temporary aberration, which, for the honor of England and the welfare of Humanity, it is to be hoped will speedily pass away.

Our Duties.

Again, fellow-citizens, I crave forgiveness for this long trespass upon your patience. If the field that we have traversed has been ample, it has been brightened always by the light of International Justice, exposing clearly from beginning to end the sacred landmarks of duty. I have been frank, disguising nothing and keeping nothing back; so that you have been able to see the perils to which the Republic is exposed from the natural tendency of war to breed war, as exhibited in the examples of history, and also from the

fatal proclivity of Foreign Powers to intermeddle, as exhibited in recent instances of querulous criticism or intrusive proposition, all adverse to the good cause, while pirate ships have been permitted to depredate on our commerce; then how the best historic instances testify in favor of Freedom and how all Intervention of every kind, whether by proffer of mediation or otherwise, becomes intolerable when its influence tends to the establishment of that soulless anomaly a professed Republic built on the hopeless and everlasting bondage of a race—and especially how Great Britain is sacredly engaged by all the logic of her history and all her traditions in unbroken lineage against any such unutterable baseness; then how all the Christian Powers, constituting the Family of Nations, are firmly bound to set their faces against any Recognition of the embryo government of Rebel Slave-mongers, on two grounds; *first*, because its Independence is not *in fact* established; and *secondly*, because, even if *in fact* established, its Recognition is impossible without criminal complicity with Slavery; and lastly, how these same Christian Powers are firmly bound by the same two-fold reasons against any concession of Ocean rights to this hideous pretender.

It only remains that the Republic should lift itself to the height of its great duties. War is hard to bear—with its waste, its pains, its wounds, its funerals. But in this war we have not been choosers. We have been challenged to the defence of our country, and in this sacred cause, to crush Slavery. There is no alternative. Slavery began the combat, staking its life and *determined to rule or die*. That we may continue freemen there must be no slaves; so that our own security is linked with the redemption of a race. Blessed lot, amidst the harshness of war, to wield the arms and deal the blows under which the monster will surely fall! The battle is mighty, for into Slavery has entered the Spirit of Evil. It is persistent, for such a gathered wickedness, concentrated, aroused and maddened, must have a tenacity of life, which will not yield at once. But might will not save it now; nor time either.

That the whole war is contained in Slavery may be seen, not only in the acts of the National Government, but also in the confessions of the Rebel Slave-mongers. Already the President, by Proclamation, has announced that the slaves throughout the whole rebel region “are and henceforward shall be free,” and, in order to give the fullest assurance of the irreversible character of this sublime edict, he has further announced “that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of such persons.” Already an enlightened Commission has been constituted, to consider how these thronging freedmen can be best employed for their own good and the national defence. And

already the sons of Africa, as mustered soldiers of the Union, have put forth a discipline and a bravery, not unworthy of their fathers of old, when the prophet Jeremiah said, "Let the mighty men come forth, the Ethiopians that handle the shield;" (cap. xlvi., v. 9,) and still further, by their stature, by their appearance in the ranks and even by the unexpected testimony of sanitary statistics—according to which for every black soldier disabled by sickness there are more than ten white, thus making the army health of the black ten times as sure as that of the white—by all these things, they have shown that the Father of History, who is our earliest classical authority, was not entirely mistaken when he spoke of Ethiopia as "the most distant region of the earth, whose inhabitants are the tallest, most beautiful and most long-lived of the human race." (Herodotus III., 114.) But even if these acts of the National Government were less significant, all doubt is removed by the Rebel Slave-mongers themselves, who in Satanic audacity, openly avow that Slavery is the end and aim of the Government which they seek to establish, so that every blow which is struck by them is struck for Slavery. Therefore, in battling against the Rebellion we battle against Slavery. Freedom is the growing inspiration of our armies and the just inscription of our banners. *By this sign conquer.* Such a war is not in any just sense a war of subjugation; but a war of Liberation—in order to save the Republic from a petty oligarchy of task-masters, and to rescue four millions of human beings from a cruel oppression. Not to subjugate but to liberate is the object of our Holy War. And yet British statesmen, forgetting for the moment all moral distinctions—forgetting God who will not be forgotten—gravely announce that our cause must fail! Alas! individual wickedness is too often successful; but a pretended Nation, suckled in wickedness and boasting its wickedness—a new Sodom, with all the guilt of the old, waiting to be blasted and yet, in its effrontery, openly seeking the fellowship of Christian Powers—is doomed to defeat. Toleration of such a pretension is practical Atheism. Chronology and geography are both offended by it. Piety stands aghast. In this age of light and in countries boasting civilization, there can be no place for its barbarous plenipotentiaries. As well expect crocodiles crawling on the pavements of London and Paris, or the carnivorous idols of Africa installed for worship in Westminster Abbey and Notre Dame.

Even if the Republic were less strong, yet I am glad to believe that the Rebellion must fail, from the essential impossibility of any such wicked success. The responsibilities of the Christian Powers would be increased by our weakness. Behind our blockade there would be a *moral blockade*; behind our armies there would be the aroused judgment of the civilized world. But not on this account can we hesitate. This is no time to stop. *Forward; Forward.*

Thus do I, who formerly pleaded so often for peace, now sound to arms. But it is because, in this terrible moment, there is no other way to that sincere and solid peace without which there will be endless war. Even on economic grounds, it were better that this war should proceed, rather than recognize any partition, which, beginning with humiliation, must involve the perpetuation of armaments and break out again in blood. But there is something worse than waste of money; it is waste of character. Give me any peace but a *Liberticide* peace. In other days the immense eloquence of Burke was stirred against a *Regicide* peace. But a peace founded on the killing of a king is not so bad as a peace founded on the killing of Liberty; nor can the saddest scenes of such a peace be so sad as the daily life which is legalized by Slavery. A Queen on the scaffold is not so pitiful a sight as a woman on the auction-block. Therefore, I say again, *Forward! Forward!*

But while thus steady in our purpose at home, we must not neglect that proper moderation abroad, which becomes the consciousness of our strength and the nobleness of our cause. The mistaken sympathy which Foreign Powers now bestow upon Slavery,—or it may be the mistaken insensibility—under the plausible name of “neutrality,” which they profess—will be worse for them than for us. For them it will be a record of shame which their children would gladly blot out with tears. For us it will be only another obstacle vanquished in the battle for Civilization, where unhappily false friends are mingled with open enemies. Even if the cause shall seem for a while imperilled from Foreign Powers, yet our duties are none the less urgent. If the pressure be great, the resistance must be greater; nor can there be any retreat. Come weal or woe this is the place for us to stand.

I know not if a Republic like ours can count even now upon the certain friendship of any European Power, unless it be the Republic of William Tell. The very name is unwelcome to the full-blown representatives of old Europe, who forget how proudly, even in modern history, Venice bore the title of *Serenissima Respublica*. It will be for us to change all this, and we shall do it. Our successful example will be enough. Thus far we have been known, chiefly through that vital force which Slavery could only degrade but not subdue. Now at last, by the death of Slavery, will the Republic begin to live. For what is life without Liberty? Stretching from ocean to ocean—teeming with population—bountiful in resources of all kinds—and thrice-happy in universal enfranchisement—it will be more than conqueror. Nothing too vast for its power; nothing too minute for its care. Triumphant over the foulest wrong ever inflicted—after the bloodiest war ever waged—it will know the majesty of Right and the beauty of Peace—prepared always to uphold the one and to cultivate the other. Strong in its own mighty stature—filled with all

the fulness of a new life and covered with a panoply of renown, it will confess that no dominion is of value which does not contribute to human happiness. Born in this latter day and the child of its own struggles, without ancestral claims, but heir of all the ages—it will stand forth to assert the dignity of man, and wherever any member of the Human Family is to be succored, there its voice will reach—as the voice of Cromwell reached across France even to the persecuted mountaineers of the Alps. Such will be this Republic;—upstart among the nations. Aye! as the steam-engine, the telegraph and chloroform are upstart. Comforter and Helper like these, it can know no bounds to its empire over a willing world. But the first stage is the death of Slavery.



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